

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
 FOR THE COUNTY OF YAVAPAI

2012 FEB -7 AM 9:22 ✓

SANDRA L. HARKHAM, CLERK

BY: Jacqueline Harkham

STATE OF ARIZONA,)

Plaintiff,)

vs.)

JAMES ARTHUR RAY,)

Defendant.)

Case No. V1300CR201080049

Court of Appeals

Case No. 1 CA-CR 11-0895

REPORTER'S TRANSCRIPT OF PROCEEDINGS
 BEFORE THE HONORABLE WARREN R. DARROW

TRIAL DAY FOURTEEN

MARCH 11, 2011

Camp Verde, Arizona

ORIGINAL

REPORTED BY
 MINA G. HUNT
 AZ CR NO. 50619
 CA CSR NO. 8335

1 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
2 FOR THE COUNTY OF YAVAPAI
3
4 STATE OF ARIZONA,)
5 Plaintiff,)
6 vs) Case No V1300CR201080049
7 JAMES ARTHUR RAY,) Court of Appeals
8 Defendant.) Case No 1 CA-CR 11-0895
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25 MINA G HUNT
AZ CR NO 50619
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Mina G Hunt (928) 554-8522

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1 Proceedings had before the Honorable

2 WARREN R. DARROW, Judge, taken on Friday, March 11,
3 2011, at Yavapai County Superior Court,
4 Division Pro Tem B, 2840 North Commonwealth Drive,
5 Camp Verde, Arizona, before Mina G. Hunt, Certified
6 Reporter within and for the State of Arizona.
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1 PROCEEDINGS

09 26 11AM 2 THE COURT: We're on the record in State

09 26 13AM 3 versus James Arthur Ray. Mr. Ray is present. The

09 26 15AM 4 attorneys are present. The jury is present as

09 26 17AM 5 well.

09 26 18AM 6 Good morning.

09 26 20AM 7 The state may call the next witness.

09 26 23AM 8 MR. HUGHES: Thank you, Your Honor. The state

09 26 26AM 9 calls Dr. Beverly Bunn.

09 27 09AM 10 THE COURT: Ma'am, step to where the bailiff

09 27 11AM 11 is directing you and raise your right hand and be

09 27 15AM 12 sworn by the clerk.

09 27 15AM 13 BEVERLY BUNN,

09 27 15AM 14 having been first duly sworn upon her oath to tell

09 27 15AM 15 the truth, the whole truth, and nothing but the

09 27 26AM 16 truth, testified as follows:

09 27 26AM 17 THE COURT: Please be seated here to my right.

09 27 54AM 18 Would you please begin by stating and

09 27 55AM 19 spelling your full name.

09 27 56AM 20 THE WITNESS: Beverley Bunn; B-e-v-e-r-l-e-y,

09 28 03AM 21 B-u-n-n.

09 28 04AM 22 THE COURT: Thank you.

09 28 05AM 23 Mr. Hughes.

09 28 05AM 24 MR. HUGHES: Thank you.

09 28 05AM 25 ///

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09 28 05AM 1 DIRECT EXAMINATION

09 28 06AM 2 BY MR. HUGHES:

09 28 06AM 3 Q. Good morning, Doctor. Can you tell us

09 28 12AM 4 from what area of the country you hale from.

09 28 14AM 5 A. Texas. From Dallas, Texas.

09 28 18AM 6 Q. What is your occupation?

09 28 19AM 7 A. I'm an orthodontist.

09 28 21AM 8 Q. And how long have you been an

09 28 23AM 9 orthodontist?

09 28 24AM 10 A. 12 years.

09 28 29AM 11 Q. Have you ever heard of a person by the

09 28 32AM 12 name of James Ray?

09 28 35AM 13 A. Yes.

09 28 35AM 14 Q. How did you first become aware of

09 28 37AM 15 Mr. Ray?

09 28 38AM 16 A. From The Secret.

09 28 41AM 17 Q. And can you tell us when it was. Did you

09 28 47AM 18 read The Secret or did you watch the video?

09 28 50AM 19 A. Both.

09 28 50AM 20 Q. Do you recall when that was?

09 28 52AM 21 A. 2007.

09 28 52AM 22 Q. After reading and watching The Secret,

09 29 02AM 23 did you ever attend any events or seminars put on

09 29 06AM 24 by Mr. Ray?

09 29 07AM 25 A. I did.

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09 29 08AM 1 Q. Can you tell us the first one that you

09 29 10AM 2 attended.

09 29 12AM 3 A. I went to one of his free seminars in

09 29 18AM 4 Dallas. That was -- I think that was May of 2007.

09 29 24AM 5 Q. And after attending that event -- do you

09 29 27AM 6 recall what the name of that was?

09 29 28AM 7 A. It was just one of his free seminars. He

09 29 33AM 8 was coming to introduce his other seminars.

09 29 35AM 9 Q. At that seminar did you then make

09 29 38AM 10 arrangements to attend any other sort of seminar?

09 29 42AM 11 A. I did not.

09 29 44AM 12 Q. At some point did you attend another

09 29 47AM 13 seminar or event put on by Mr. Ray?

09 29 48AM 14 A. I did.

09 29 50AM 15 Q. When was that?

09 29 51AM 16 A. May 15 and 16 or 16 and 17 of 2009 in

09 29 58AM 17 San Diego.

09 30 00AM 18 Q. Do you recall the name of the event in

09 30 02AM 19 San Diego?

09 30 03AM 20 A. Harmonic Wealth Weekend.

09 30 07AM 21 Q. And at that event in San Diego, did you

09 30 12AM 22 become aware of the Spiritual Warrior event?

09 30 15AM 23 A. I did.

09 30 16AM 24 Q. How did you become aware of the Spiritual

09 30 18AM 25 Warrior event?

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09 30 19AM 1 A. The second day there was a lady that

09 30 23AM 2 stood up and started sharing with the group about

09 30 25AM 3 some of her personal problems or beliefs or

09 30 28AM 4 limitations or what she was having problems with.

09 30 32AM 5 And I related to what she was saying very strongly.

09 30 36AM 6 And James said you need to go to the

09 30 38AM 7 Spiritual Warrior event because that's where all of

09 30 40AM 8 your answers will come from. And you will work

09 30 44AM 9 through all of your problems, and you will find all

09 30 46AM 10 your answers at Spiritual Warrior.

09 30 48AM 11 Q. You mentioned James said this. Can you

09 30 53AM 12 be more specific as to which James you're talking

09 30 55AM 13 about.

09 30 55AM 14 A. James Ray.

09 30 56AM 15 Q. After that event then in San Diego, did

09 30 59AM 16 you sign up for the Spiritual Warrior event in

09 31 02AM 17 Sedona?

09 31 03AM 18 A. I signed up right at the Harmonic Wealth

09 31 07AM 19 Weekend. I signed up for Spiritual Warrior.

09 31 09AM 20 Q. Why is it you decided to sign up for

09 31 12AM 21 Spiritual Warrior?

09 31 13AM 22 A. Because of the interaction that James Ray

09 31 15AM 23 was having with a lady that was speaking and

09 31 17AM 24 because of her comments or what she was actually

09 31 21AM 25 talking to him about, what she was trying to work

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09:31:24AM 1 through.
 09:31:24AM 2 He said that he couldn't address that at
 09:31:27AM 3 the Harmonic Wealth Weekend. And so he said,
 09:31:27AM 4 again, it's a very intense week at Spiritual
 09:31:35AM 5 Warrior and she'll be able to work through all
 09:31:35AM 6 those problems that she was commenting on, and it
 09:31:38AM 7 would be worthwhile for her to go to the Spiritual
 09:31:42AM 8 Warrior.

09:31:42AM 9 So I went to the back and spoke to a
 09:31:43AM 10 couple of his people that were marketing his
 09:31:46AM 11 product or selling his products, signing people up.
 09:31:50AM 12 And Michelle Goulet. I spoke with her quite a
 09:31:53AM 13 while. That's when I decided to go through with
 09:31:56AM 14 it. I went ahead and purchased the Spiritual
 09:31:58AM 15 Warrior week.

09:31:58AM 16 Q. Do you recall what you paid for the 2009
 09:32:01AM 17 Spiritual Warrior week?

09:32:02AM 18 A. It was \$9,600 and some change.

09:32:08AM 19 Q. Did you make that payment, then, in May?

09:32:11AM 20 A. 50 percent. And they charged the other
 09:32:13AM 21 50 percent to my credit card. I don't know if it
 09:32:15AM 22 was a month or two later.

09:32:17AM 23 Q. At some point when you purchased the
 09:32:18AM 24 seminar, the Spiritual Warrior seminar, did you
 09:32:21AM 25 know what all the events were going to be at the

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09:32:24AM 1 seminar?

09:32:24AM 2 A. No. They gave me a brochure, and it
 09:32:28AM 3 showed some people with backpacks on and hiking up
 09:32:31AM 4 a trail in the Sedona area showing the rocks and
 09:32:35AM 5 things. So they said it was going to be a
 09:32:38AM 6 spiritual event. I didn't actually -- they didn't
 09:32:40AM 7 disclose anything that was actually going to take
 09:32:43AM 8 place at that week. They didn't want to ruin any
 09:32:47AM 9 surprises.

09:32:48AM 10 Q. And how do you know that's the reason
 09:32:49AM 11 they didn't disclose what was going to take place
 09:32:53AM 12 that week?

09:32:53AM 13 A. Because they told you they didn't want to
 09:32:54AM 14 disclose any of it because they didn't want to ruin
 09:32:57AM 15 any of it for you.

09:32:58AM 16 Q. And by "they," do you recall who told you
 09:33:01AM 17 that?

09:33:01AM 18 A. Michelle.

09:33:08AM 19 Q. Okay. Doctor, I'm going to show you
 09:33:09AM 20 what's been admitted as Exhibit 138 and ask if
 09:33:12AM 21 that's the brochure you were referring to.

09:33:12AM 22 A. Uh-huh. I received this and the receipt
 09:33:18AM 23 for purchasing the event.

09:33:24AM 24 MR. HUGHES: Your Honor, may I publish it to
 09:33:27AM 25 the jury?

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09:33:28AM 1 THE COURT: Yes.

09:33:32AM 2 Q. BY MR. HUGHES: Let me get the screen
 09:33:33AM 3 down.

09:33:48AM 4 At the time you paid the 50 percent
 09:33:51AM 5 deposit, did you know that there was going to be a
 09:33:53AM 6 sweat lodge involved?

09:33:55AM 7 A. I did not.

09:33:55AM 8 Q. At the time your card was charged for the
 09:33:58AM 9 remainder, did you know there was going a sweat
 09:34:01AM 10 lodge involved?

09:34:01AM 11 A. I did not.

09:34:02AM 12 Q. Did the brochure that you've mentioned
 09:34:04AM 13 ever mention a sweat lodge?

09:34:08AM 14 A. The one in front of me?

09:34:10AM 15 Q. The one that I just showed you,
 09:34:12AM 16 exhibit --

09:34:12AM 17 A. No. It does not.

09:34:15AM 18 Q. Okay. Now, at some point in time after
 09:34:20AM 19 purchasing the program, did you received a packet
 09:34:23AM 20 with some liability waivers in it?

09:34:26AM 21 A. I downloaded those from the internet.

09:34:28AM 22 Q. And do you recall when that was?

09:34:30AM 23 A. July.

09:34:35AM 24 Q. Was that after you had already paid the
 09:34:41AM 25 first amount and the second amount for the course?

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09:34:42AM 1 A. Yes.

09:34:42AM 2 Q. Did you read the liability waivers?

09:34:44AM 3 A. I did not.

09:34:48AM 4 Q. And, Doctor, can you tell us why you
 09:34:50AM 5 didn't read the liability waivers, if you know?

09:34:57AM 6 A. I don't know.

09:34:58AM 7 Q. Is that something -- there is some people
 09:35:02AM 8 read waivers, some people don't. Are you in the
 09:35:05AM 9 first or second category?

09:35:06AM 10 MR. KELLY: Your Honor, objection to the form
 09:35:07AM 11 of the question.

09:35:08AM 12 THE COURT: Sustained.

09:35:11AM 13 Q. BY MR. HUGHES: Do you typically read
 09:35:14AM 14 liability waivers?

09:35:15AM 15 A. I don't.

09:35:15AM 16 Q. Do you recall when you first learned that
 09:35:18AM 17 there was going to be a sweat lodge at the
 09:35:23AM 18 Spiritual Warrior 2009?

09:35:25AM 19 A. A few hours before going into the sweat
 09:35:28AM 20 lodge.

09:35:28AM 21 Q. Did you know many of the participants at
 09:35:33AM 22 Spiritual Warrior 2009 before you arrived?

09:35:34AM 23 A. None.

09:35:35AM 24 Q. Was the -- other than the free event that
 09:35:38AM 25 you attended and then the event in San Diego, had

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09 35 41AM 1 you been to any other James Ray events?
 09 35 43AM 2 **A. I had not.**
 09 35 51AM 3 **Q.** Did you know about the Vision Quest
 09 36 01AM 4 activity before you arrived in Sedona for the
 09 36 03AM 5 Spiritual Warrior?
 09 35 59AM 6 **A. I did not.**
 09 36 03AM 7 **Q.** Had you ever been in a sweat lodge prior
 09 36 06AM 8 to the Spiritual Warrior 2009 event?
 09 36 12AM 9 **A. I have not.**
 09 36 12AM 10 **Q.** By virtue of the medical training you
 09 36 22AM 11 received to become an orthodontist, did you have
 09 36 26AM 12 some ideas about the risks that heat posed for the
 09 36 30AM 13 human body?
 09 36 32AM 14 **MR. KELLY:** Objection, Your Honor. Lack of
 09 36 35AM 15 foundation.
 09 36 35AM 16 **THE COURT:** That can be responded to yes or
 09 36 38AM 17 no. If you can answer that yes or no, you may.
 09 36 41AM 18 **THE WITNESS:** Yes.
 09 36 42AM 19 **Q. BY MR. HUGHES:** Can you tell us, did you
 09 36 44AM 20 have to attend a specialized college or University
 09 36 48AM 21 program to become an orthodontist?
 09 36 51AM 22 **A. Yes.**
 09 36 51AM 23 **Q.** Would you tell us what school you
 09 36 54AM 24 attended.
 09 36 55AM 25 **A. For the orthodontic program?**
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09 36 58AM 1 **Q. Yes.**
 09 36 59AM 2 **A. University of Tennessee in Memphis.**
 09 37 01AM 3 **Q.** And how long of a program was that?
 09 37 03AM 4 **A. Three years.**
 09 37 03AM 5 **Q.** Did you attend any other medical training
 09 37 06AM 6 or education to become an orthodontist?
 09 37 11AM 7 **A. You have to become a dentist before you**
 09 37 14AM 8 **become an orthodontist. I did three years in the**
 09 37 17AM 9 **University of the Pacific prior to my orthodontic**
 09 37 21AM 10 **residency.**
 09 37 21AM 11 **Q.** Okay. And in the six years of medical
 09 37 25AM 12 training that you've received, from the three in
 09 37 27AM 13 San Francisco and then the three -- was it the
 09 37 30AM 14 University of Tennessee did you say?
 09 37 31AM 15 **A. Yes.**
 09 37 32AM 16 **Q.** During that time can you tell us whether
 09 37 36AM 17 there are any courses that were provided to you
 09 37 38AM 18 regarding the effects of heat on the human body.
 09 37 43AM 19 **A. I mean, medical history, training and**
 09 37 46AM 20 **going over medical history, not specifically to**
 09 37 50AM 21 **dehydration or hydration or anything like that.**
 09 37 54AM 22 **Q.** Have you had any specialized training in
 09 37 55AM 23 those areas?
 09 37 58AM 24 **A. Only prior to hiking through the Grand**
 09 37 59AM 25 **Canyon.**
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09 37 59AM 1 **Q. And what training was that?**
 09 38 00AM 2 **A. That was going -- working with a guide**
 09 38 03AM 3 **and reading through some of the books and**
 09 38 06AM 4 **manuscripts that he was actually asking us to read**
 09 38 08AM 5 **and prepare for, as far as not only or preparing**
 09 38 10AM 6 **your food and your clothing and things like that**
 09 38 13AM 7 **but making sure that you're hydrated and all of**
 09 38 16AM 8 **your electrolytes and salts and your energy bars**
 09 38 16AM 9 **and camelbacks.**
 09 38 23AM 10 **Make sure that -- you need two liters for**
 09 38 24AM 11 **every hour you're in the canyon for so many degrees**
 09 38 27AM 12 **and temperature with the amount of endurance and**
 09 38 29AM 13 **exercise that you're doing.**
 09 38 31AM 14 **Q.** Was that the sort of training that was
 09 38 33AM 15 provided not just to you as a dentist but to any
 09 38 35AM 16 participant in that program?
 09 38 38AM 17 **A. Correct.**
 09 38 39AM 18 **Q.** So moving, then, back to the area I was
 09 38 43AM 19 starting at, when you attended Spiritual
 09 38 46AM 20 Warrior 2009, did you have any specialized training
 09 38 52AM 21 in -- medical training in the effects of heat on
 09 38 54AM 22 the human body?
 09 38 55AM 23 **A. No.**
 09 39 02AM 24 **Q.** Do you recall when you actually signed
 09 39 04AM 25 the liability waivers?
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09 39 07AM 1 **A. Yes.**
 09 39 07AM 2 **Q.** When was that?
 09 39 09AM 3 **A. When I arrived at Angel Valley.**
 09 39 13AM 4 **Q.** Did anyone explain what the waivers
 09 39 15AM 5 entailed?
 09 39 18AM 6 **A. I was late. I was about two and a half**
 09 39 21AM 7 **hours late. So I was the last person to arrive at**
 09 39 25AM 8 **Spiritual Warrior. So my papers were sitting right**
 09 39 27AM 9 **there. And Ingrid was kind of saying you're late.**
 09 39 31AM 10 **You need to sign here, sign here. Here's your**
 09 39 34AM 11 **room. Here's a few things. And sign here. We**
 09 39 36AM 12 **need to make sure this is signed.**
 09 39 38AM 13 **Then they took my luggage to my room and**
 09 39 40AM 14 **told me to go to the dinner hall because I was**
 09 39 43AM 15 **probably going to miss dinner.**
 09 39 45AM 16 **Q.** Now, you mentioned a woman named Ingrid.
 09 39 48AM 17 Can you tell us what her role was, if you knew it,
 09 39 50AM 18 at the Spiritual Warrior?
 09 39 53AM 19 **A. From my understanding, Ingrid worked for**
 09 39 58AM 20 **Angel Valley. So I guess because I was late, my**
 09 40 03AM 21 **stuff was left at the main office. Because I**
 09 40 05AM 22 **signed up at the main office.**
 09 40 10AM 23 **Q.** Prior to coming to the Spiritual Warrior
 09 40 14AM 24 event or during the Spiritual Warrior event, did
 09 40 16AM 25 anyone take any health information from you?
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09 40 21AM 1 **A. No.**

09 40 21AM 2 **Q. Was there any medical screening required?**

09 40 25AM 3 **A. No.**

09 40 25AM 4 **Q. Physical, anything like that?**

09 40 31AM 5 **A. No.**

09 40 31AM 6 **Q. Do you recall what the first event or the**

09 40 35AM 7 **first lecture was at Spiritual Warrior after you**

09 40 38AM 8 **arrived?**

09 40 39AM 9 **A. We arrived -- when we arrived on**

09 40 47AM 10 **Saturday, we didn't have a lecture. So we got a**

09 40 50AM 11 **little acclimated and unpacked our things in our**

09 40 53AM 12 **room. And then we were told that we would have to**

09 40 55AM 13 **go to yoga at 6:30 on Sunday morning.**

09 41 00AM 14 **So after that we were to go have**

09 41 02AM 15 **breakfast, shower and get ready. And then you go**

09 41 04AM 16 **to the Crystal Hall. And he started in on**

09 41 09AM 17 **projections and talking about black bags and**

09 41 13AM 18 **limitations and boundaries.**

09 41 20AM 19 **Q. Do you recall when you arrived, were you**

09 41 24AM 20 **provided with any materials or items for your use**

09 41 29AM 21 **while you were at the seminar that week?**

09 41 31AM 22 **A. I wasn't provided -- I think everyone was**

09 41 36AM 23 **provided with those except for myself because I was**

09 41 39AM 24 **late. So I actually received mine the next day.**

09 41 41AM 25 **Q. Okay. And can you tell us what those**

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09 41 43AM 1 **were.**

09 41 43AM 2 **A. It was a backpack and a bandana, a**

09 41 47AM 3 **journal with "Spiritual Warrior" on the front, a**

09 41 50AM 4 **water bottle and a bag of sea salt.**

09 41 57AM 5 **Q. When you received the materials for**

09 42 02AM 6 **Spiritual Warrior, at any point in time did you**

09 42 04AM 7 **receive anything telling you what you were not**

09 42 07AM 8 **supposed to bring with you to Spiritual Warrior?**

09 42 11AM 9 **A. In the hand out that helped to prepare**

09 42 14AM 10 **you for what the event was, it told you you had to**

09 42 19AM 11 **bring a certain amount of things. It didn't say**

09 42 22AM 12 **what not to. It said these are the specific items**

09 42 25AM 13 **you need to bring.**

09 42 26AM 14 **Q. Do you recall what those sort of items**

09 42 28AM 15 **were?**

09 42 29AM 16 **A. Sun screen and bug repellant; sunglasses;**

09 42 33AM 17 **a hat; sleeping bag; seven squares of fabric, three**

09 42 38AM 18 **by three; three feet of string, preferably red in**

09 42 46AM 19 **color; tobacco; a lot of writing materials; things**

09 42 52AM 20 **referring to --**

09 42 53AM 21 **I hadn't gone to any of his other events.**

09 42 58AM 22 **Those people that had were supposed to bring some**

09 43 01AM 23 **CDs from Quantum Leap. And then there was**

09 43 11AM 24 **holotropic sing something, and layers of clothes**

09 43 11AM 25 **clothing because we didn't know what the**

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09 43 15AM 1 **temperature was going to be and hiking boots.**

09 43 18AM 2 **Q. You seem pretty specific about the**

09 43 20AM 3 **dimensions of the fabric and string. Are details**

09 43 25AM 4 **like that something that you have a good memory**

09 43 27AM 5 **about?**

09 43 27AM 6 **A. I'm pretty good with numbers.**

09 43 30AM 7 **Q. Do you recall the next morning, then,**

09 43 38AM 8 **whether anything was stated about shaving of heads?**

09 43 41AM 9 **A. I found out about the shaving of heads**

09 43 45AM 10 **when I arrived.**

09 43 45AM 11 **Q. Okay. So you said you arrived a little**

09 43 48AM 12 **bit late. About what time in the day or the**

09 43 50AM 13 **evening or the night did you arrive?**

09 43 52AM 14 **A. I arrived about 7:30.**

09 43 55AM 15 **Q. A.m. or p.m.?**

09 43 56AM 16 **A. P.m. sorry.**

09 43 58AM 17 **Q. And when did you first hear about head**

09 44 01AM 18 **shaving?**

09 44 03AM 19 **A. When I walked into the dinner hall after**

09 44 08AM 20 **I had registered. And I walked into the dinner**

09 44 11AM 21 **hall. Sean came out. And he had a pair of**

09 44 14AM 22 **clippers in his hand. And he said, do you want me**

09 44 17AM 23 **to give you a haircut?**

09 44 18AM 24 **And I said that I wasn't there for the**

09 44 20AM 25 **hair dressers' convention. I was there for the**

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09 44 23AM 1 **James Ray power of journey event. And he said,**

09 44 30AM 2 **well, we'll see.**

09 44 31AM 3 **Q. Now, you mentioned the power of journey**

09 44 32AM 4 **event --**

09 44 33AM 5 **A. Journey of Power. I may have got that**

09 44 35AM 6 **backwards.**

09 44 38AM 7 **Q. Can you tell us what you meant by being**

09 44 38AM 8 **there for the Journey of Power event?**

09 44 38AM 9 **A. That's what it was called. That was on**

09 44 42AM 10 **the literature and things we were reading.**

09 44 45AM 11 **Q. Was it your understanding that the**

09 44 47AM 12 **Spiritual Warrior 2009 was part of the Journey of**

09 44 50AM 13 **Power?**

09 44 50AM 14 **MR. KELLY: Your Honor, I'm going to object to**

09 44 52AM 15 **this line of questioning. Relevance and that's a**

09 44 54AM 16 **leading question.**

09 44 55AM 17 **THE COURT: Sustained.**

09 44 57AM 18 **Q. BY MR. HUGHES: What literature are you**

09 44 58AM 19 **referring to that referenced the Journey of Power?**

09 45 02AM 20 **A. It was another -- something I had**

09 45 07AM 21 **received at Harmonic Wealth Weekend. I guess he**

09 45 11AM 22 **has a pyramid of programs that you go through, and**

09 45 16AM 23 **it's called the "Journey of Power," I guess, as you**

09 45 19AM 24 **go through them. This is one of the events for the**

09 45 21AM 25 **Journey of Power.**

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09 45 22AM 1 Q. Do you recall where this event sat on the
09 45 26AM 2 pyramid?
09 45 26AM 3 A. At the top.
09 45 34AM 4 Q. Do you recall whether Mr. Ray ever
09 45 38AM 5 mentioned anything about head shaving?
09 45 44AM 6 A. I didn't see Mr. Ray until Sunday. So
09 45 47AM 7 the head shaving had already taken place by the
09 45 51AM 8 time I got there. When Sean asked me if I needed a
09 45 52AM 9 haircut, I didn't exactly understand what was going
09 45 53AM 10 on.

09 45 53AM 11 But then shortly after there was still a
09 45 55AM 12 few people around. I noticed the women and the
09 45 57AM 13 men, several of them, had very, very short hair.
09 45 59AM 14 And when I went back to my cabin, I was introduced
09 46 04AM 15 to my roommates, Kirby Brown and Julie Min. And
09 46 08AM 16 Julie had shaved her head and shown me a picture of
09 46 12AM 17 what she looked like prior to -- a few hours
09 46 16AM 18 before.

09 46 18AM 19 Q. And do you recall at any time whether
09 46 25AM 20 Mr. Ray had made any discussions in your hearing
09 46 28AM 21 about the shaving of your head or anybody's head?

09 46 30AM 22 A. They always encouraged throughout the
09 46 33AM 23 event. I mean, those of you who didn't shave your
09 46 35AM 24 head --

09 46 35AM 25 MR. KELLY: Your Honor, objection.
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09 46 37AM 1 Nonresponsive to the specific question about my
09 46 39AM 2 client.

09 46 42AM 3 THE COURT: It did start out -- go ahead.

09 46 44AM 4 Q. BY MR. HUGHES: Doctor, my question is
09 46 46AM 5 specifically as to Mr. Ray. Do you recall whether
09 46 48AM 6 he made any comments during the Spiritual Warrior
09 46 53AM 7 event about head shaving?

09 46 55AM 8 A. It was always comments. If we were about
09 46 59AM 9 to go on a break or if anybody had -- you know --
09 47 04AM 10 something -- you could always -- the clippers and
09 47 08AM 11 the chair and some, I guess, cloth was outside. So
09 47 13AM 12 anybody you could shave your head at any point in
09 47 16AM 13 time.

09 47 16AM 14 And it was always encouraged to do that.
09 47 18AM 15 You're always wanting to let go or let something go
09 47 21AM 16 or let something die. What does your hair have to
09 47 25AM 17 do with it? Are you hiding behind your hair or
09 47 27AM 18 does that have to prove your identity? Because you
09 47 29AM 19 really need to know who you are on the inside.

09 47 29AM 20 Q. And who was --

09 47 38AM 21 THE COURT: Mr. Kelly?

09 47 38AM 22 MR. KELLY: Your Honor, again it's not
09 47 37AM 23 responsive. And I ask the answer be stricken from
09 47 40AM 24 the record.

09 47 42AM 25 THE COURT: The question really was -- had to
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09 47 44AM 1 do with Mr. Ray. And that was the question. And
09 47 48AM 2 so in light of the question, the answer would be
09 47 52AM 3 stricken.

09 47 54AM 4 Q. BY MR. HUGHES: Dr. Bunn, who was making
09 47 57AM 5 the statements that you just referred to?

09 48 02AM 6 A. Mr. Ray.

09 48 05AM 7 MR. HUGHES: Your Honor, in light of that I'd
09 48 08AM 8 ask the stricken portion be --

09 48 09AM 9 THE COURT: That would be the foundation
09 48 11AM 10 necessary. Granted.

09 48 11AM 11 MR. HUGHES: Thank you.

09 48 15AM 12 THE COURT: That testimony may be considered
09 48 16AM 13 now that it's been clarified.

09 48 25AM 14 Q. BY MR. HUGHES: At some point, Doctor,
09 48 27AM 15 did you get your hair cut or shaved?

09 48 30AM 16 A. I did.

09 48 31AM 17 Q. Can you tell us what your hair length was
09 48 34AM 18 when you arrived at Spiritual Warrior?

09 48 36AM 19 A. Approximately to here.

09 48 39AM 20 Q. And for the purpose of the record --

09 48 40AM 21 A. Shoulder length.

09 48 42AM 22 Q. Thank you. And can you tell us at what
09 48 45AM 23 point you decided to shave your hair or have it
09 48 50AM 24 cut.

09 48 50AM 25 A. I struggled with the decision for the
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09 48 55AM 1 whole week. Kirby and I had a lot to talk about
09 49 03AM 2 shaving our heads. Kirby shaved her head on
09 49 08AM 3 Monday. We had a lot of talk about how it feels or
09 49 09AM 4 whatever. I don't know if I can do it. I don't
09 49 11AM 5 know if I can do this.

09 49 12AM 6 And then I had made the decision to shave
09 49 15AM 7 my head. And I was going to do it on Tuesday, but
09 49 18AM 8 we didn't have time because of the schedule. And
09 49 22AM 9 so I ended up actually shaving my head an hour
09 49 26AM 10 before going into the sweat lodge.

09 49 28AM 11 Q. And do you recall why you finally made
09 49 30AM 12 the decision to shave your head?

09 49 33AM 13 A. Because it was part of playing full on,
09 49 42AM 14 and I didn't want to be perceived as a person that
09 49 48AM 15 wasn't fully participating in the event.

09 49 55AM 16 Q. Was playing full on a component of
09 49 58AM 17 Spiritual Warrior?

09 49 58AM 18 A. Yes.

09 50 02AM 19 Q. Can you tell us to what extent it was a
09 50 05AM 20 component of Spiritual Warrior.

09 50 05AM 21 A. It was every component. You had to meet
09 50 11AM 22 or exceed all of the rules and regulations that
09 50 14AM 23 James was telling us to do every day.

09 50 21AM 24 Q. Doctor, after you shaved your head, did
09 50 25AM 25 you have a conversation with Mr. Ray about that?

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09 50 30AM 1 A. Not a conversation prior to. I had a
09 50 33AM 2 conversation on Tuesday with Mr. Ray about shaving
09 50 37AM 3 my head. Mr. Ray had asked me during the course of
09 50 40AM 4 the week to work directly with him.

09 50 43AM 5 Q. And we'll move back to that point in a
09 50 51AM 6 moment. What -- did you have a conversation with
09 50 55AM 7 Mr. Ray, then, about your shaving of your head?

09 50 59AM 8 A. I did.

09 51 00AM 9 Q. And can you tell us what day, if you
09 51 02AM 10 remember, that conversation took place.

09 51 04AM 11 A. Tuesday.

09 51 04AM 12 Q. And what did Mr. Ray say to you? What
09 51 10AM 13 was the conversation?

09 51 12AM 14 A. I don't give a fuck what you do. Shave
09 51 16AM 15 your head. Don't shave your head. Doesn't really
09 51 19AM 16 matter.

09 51 21AM 17 Q. Was that something Mr. Ray told you?

09 51 23AM 18 A. Specifically to me.

09 51 26AM 19 Q. Now, you mentioned that Mr. Ray had asked
09 51 29AM 20 that you work directly with him?

09 51 30AM 21 A. Yes.

09 51 31AM 22 Q. Can you tell us when that request was
09 51 34AM 23 made to you.

09 51 34AM 24 A. Sunday.

09 51 35AM 25 Q. And what was the context -- what was
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09 51 40AM 1 going on when Mr. Ray asked you to work directly
09 51 42AM 2 with him?

09 51 43AM 3 A. I stood up and shared some of my limiting
09 51 46AM 4 beliefs, where I was at, introduced myself. And
09 51 53AM 5 Mr. Ray said -- usually he would point you to one
09 51 57AM 6 of the Dream Team member or say that person knows
09 52 00AM 7 more. I want you to work with that person. And
09 52 04AM 8 Mr. Ray said that he wanted me to work specifically
09 52 07AM 9 with him and him only.

09 52 09AM 10 Q. Did you then work directly with Mr. Ray
09 52 12AM 11 throughout the week?

09 52 13AM 12 A. I did.

09 52 14AM 13 Q. How did that make you feel?

09 52 16AM 14 A. At first I guess I was a little bit
09 52 22AM 15 excited about it because I thought I would get more
09 52 25AM 16 out of the week working directly with him, having
09 52 27AM 17 confidence in him, being the person that's actually
09 52 30AM 18 putting this whole thing together and him having
09 52 33AM 19 the most knowledge of out of all the people that
09 52 36AM 20 were there.

09 52 41AM 21 There was fluctuation. It was --
09 52 44AM 22 depended on what we were working on at the time.
09 52 47AM 23 Sometimes it was encouragement and sometimes it
09 52 49AM 24 was -- I don't know if it was just a tough-love
09 52 49AM 25 situation or exactly where it was.

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09 52 53AM 1 But, I mean, dealing with him sometimes
09 52 54AM 2 was you walked away feeling good, and sometimes you
09 52 58AM 3 felt like -- I felt like he could care less.

09 53 03AM 4 Q. Now, you mentioned that participants were
09 53 07AM 5 provided a journal?

09 53 08AM 6 A. Yes.

09 53 09AM 7 Q. Did Mr. Ray tell the participants what he
09 53 15AM 8 expected them to do with the journals?

09 53 17AM 9 A. We had two journals.

09 53 18AM 10 Q. And did Mr. Ray tell the participants
09 53 21AM 11 what he expected to be done with those journals?

09 53 24AM 12 A. Yes.

09 53 25AM 13 Q. And can you tell us what Mr. Ray told you
09 53 30AM 14 were to be done with the journals.

09 53 32AM 15 A. The one that was provided for us was a
09 53 37AM 16 small black one. And we were to write our notes
09 53 41AM 17 pertaining to the actual lectures. We were told to
09 53 44AM 18 bring another journal on our own. And in that one
09 53 47AM 19 we were supposed to do recapitulations.

09 53 51AM 20 Q. And would you tell us what recapitulation
09 53 54AM 21 is.

09 53 55AM 22 A. Recapitulations is -- it's dealing with
09 54 04AM 23 your black bags, your limited beliefs or what's
09 54 08AM 24 holding you up. The paperwork that we were given
09 54 14AM 25 says, black bags and things that hold you back. We

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09 54 19AM 1 were told to write about how we learned about sex,
09 54 22AM 2 how -- every sexual experience that we had, every
09 54 27AM 3 person we had sex with and how that made us feel.

09 54 32AM 4 Q. You said, we were told to write about
09 54 35AM 5 these things --

09 54 38AM 6 MR. KELLY: Your Honor, I'm going to object to
09 54 37AM 7 this continued line of questioning based on
09 54 42AM 8 relevance.

09 54 46AM 9 THE COURT: Counsel, please approach.
09 55 00AM 10 (Sidebar conference.)

09 55 00AM 11 THE COURT: Mr. Hughes, the relevance?

09 55 03AM 12 MR. HUGHES: Your Honor, I'm focusing in on
09 55 08AM 13 the witness is going to, I believe, testify that
09 55 10AM 14 Mr. Ray had them focus on two themes in their
09 55 14AM 15 writing -- sex and death. And that the theme of
09 55 18AM 16 death was a recurring theme throughout the seminar,
09 55 20AM 17 as was the theme of sex. But the theme of death
09 55 23AM 18 was a recurring theme.

09 55 26AM 19 THE COURT: Quieter. I'm afraid this witness
09 55 27AM 20 might overhear.

09 55 27AM 21 MR. HUGHES: In light of that, Your Honor,
09 55 28AM 22 it's going to provide foundation for Mr. Ray's
09 55 33AM 23 direction to the participants to write their own
09 55 35AM 24 obituaries shortly before they entered the sweat
09 55 39AM 25 lodge, which is relevant to their mental state and

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09 55 43AM 1 Mr. Ray's knowledge of their mental state as they
09 55 46AM 2 moved into the sweat lodge.

09 55 47AM 3 THE COURT: Mr. Kelly.

09 56 00AM 4 MR. KELLY: Judge, this is a manslaughter
09 56 02AM 5 charge. The state needs to prove that my client
09 56 04AM 6 was aware of and consciously disregarded
09 56 06AM 7 substantial risk of death.

09 56 08AM 8 We have heard through several witnesses
09 56 10AM 9 now that death was used as a metaphor. If it has
09 56 12AM 10 marginal relevance, there is a 403 considering with
09 56 14AM 11 regards to the prejudice.

09 56 16AM 12 Because what this jury is doing is
09 56 18AM 13 getting off on topics. Whether it's medical
09 56 20AM 14 screening or training of staff members, now sex,
09 56 22AM 15 that has nothing to do with the elements of the
09 56 24AM 16 crime. And the prejudice -- the potential
09 56 26AM 17 prejudice is overwhelming because what they're
09 56 28AM 18 doing is trying my client's character.

09 56 30AM 19 Judge, this particular witness may
09 56 32AM 20 believe that the primary focus was limited to those
09 56 34AM 21 two factors, but I think you've heard from the
09 56 36AM 22 others that the issues that they were working on
09 56 38AM 23 were unlimited in these journaling exercises, were
09 56 40AM 24 to address any of those issues.

09 57 02AM 25 We've talked about this in terms of
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09 57 05AM 1 isolating excerpts from the entire weekend to
09 57 08AM 2 prejudice my client that somehow, given the fact
09 57 10AM 3 they were using death as a metaphor and they're
09 57 12AM 4 supposed to write their own obituary, he then
09 57 14AM 5 consciously disregarded the substantial risk of
09 57 16AM 6 death. That's a leap. And it's highly
09 57 18AM 7 prejudicial. And I don't understand what the sex
09 57 20AM 8 would have to do with it.

09 57 22AM 9 MR. HUGHES: Again, I was moving into the
09 57 24AM 10 themes that she was aware of, including the fact
09 57 26AM 11 that death was one of the primary themes. The
09 57 28AM 12 relevance, Your Honor, as they entered the sweat
09 57 30AM 13 lodge, is that throughout the course of the week --
09 57 32AM 14 and we're still at the beginning at this point.
09 57 34AM 15 But throughout the course of the week Mr. Ray used
09 57 36AM 16 these metaphors, in particular the death metaphor,
09 57 38AM 17 to condition the people to bow down and do what
09 57 40AM 18 Mr. Ray asked them to do.

09 57 42AM 19 So that when they entered the sweat
09 57 44AM 20 lodge, Mr. Ray was aware that when they entered the
09 57 46AM 21 sweat lodge, were condition to the point that some
09 57 48AM 22 of them or many of them would not believe even when
09 57 50AM 23 they felt themselves approaching that point in
09 57 52AM 24 their own bodies.

09 58 01AM 25 MR. KELLY: Judge, that's contrary to the
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09 58 13AM 1 witness testimony we've heard up to this point.

09 58 16AM 2 This particular witness is not a victim. And we do
09 58 18AM 3 not know the state of mind of the victims that
09 58 20AM 4 entered the sweat lodge. And we've talked about
09 58 22AM 5 the disparity between some victims, like Liz
09 58 24AM 6 Neuman, did not participate in any of these
09 58 26AM 7 activities.

09 58 28AM 8 So this is a leap of faith. If they
09 58 30AM 9 think that some type of voodoo, my client was able
09 58 32AM 10 to compel these people to remain in an inherently
09 58 34AM 11 dangerous condition and disregarded that --
09 58 36AM 12 cautiously disregarded that risk, that's going to
09 58 38AM 13 be a whole new area of the law.

09 58 40AM 14 THE COURT: Another matter that in a pretrial
09 58 42AM 15 setting would have been preferable. However, there
09 58 44AM 16 is no real anchor points in this case in terms of
09 58 46AM 17 prior authority. I think everyone would say this
09 58 48AM 18 is a very unusual event.

09 59 00AM 19 The defense takes the position or has the
09 59 02AM 20 defense that there was poisoning or something like
09 59 04AM 21 that. And the state takes the position that this
09 59 06AM 22 very unusual behavior -- it's just very unusual --
09 59 08AM 23 was due to the mind-set of participants goes to
09 59 10AM 24 perhaps why they weren't helping out in their --
09 59 12AM 25 creates part of this whole setting.

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09 59 14AM 1 To interject this in this case now, to
09 59 16AM 2 have this come up just like this without any kind
09 59 18AM 3 of warning to really assess relevance, I mean -- to
09 59 20AM 4 actually say going into this, Mr. Hughes, is really
09 59 22AM 5 relevant -- I don't quite -- there has been a lot
09 59 24AM 6 of talk about complying with the rules, mind-sets
09 59 26AM 7 of people and how that relates to what they're
09 59 28AM 8 doing in the sweat lodge.

09 59 30AM 9 But how does this relate to what goes on
09 59 32AM 10 in this sweat lodge that day?

09 59 34AM 11 MR. HUGHES: Your Honor, I was moving towards
09 59 36AM 12 laying the foundation of the other theme, which is
09 59 38AM 13 the theme of death. That's the theme -- and, for
09 59 40AM 14 example, after the Samurai game Mr. Ray told the
09 59 42AM 15 participants that he believed that they were --
09 59 44AM 16 they didn't play the game well, they were too
09 59 46AM 17 afraid, that they were going to die, and they need
09 59 48AM 18 to move past that fear.

09 59 50AM 19 THE COURT: Mentioning this as a theme but
09 59 52AM 20 going on into the metaphor -- that's out anyway.
09 59 54AM 21 That has to be discussed. Mr. Hughes, don't dwell
09 59 56AM 22 on this.

09 59 58AM 23 MR. HUGHES: Your Honor, I did not intend to.

09 59 59AM 24 THE COURT: It's been mentioned. I don't know
09 60 01AM 25 how far, again, into the questioning.

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10 00 51AM 1 Mr. Kelly.

10 00 52AM 2 MR. KELLY: Judge, if the theme now is that

10 00 54AM 3 the theme of death somehow overcame their will to

10 01 00AM 4 live, stick with the theme. But it begs the

10 01 06AM 5 question, what is the Journey of Power? What does

10 01 09AM 6 not having medical relate to this -- what does not

10 01 12AM 7 requiring a physical? What does Ingrid telling

10 01 15AM 8 them to do something have to do with that?

10 01 17AM 9 And that's our continued concern is that

10 01 22AM 10 we're into a 403 cumulative prejudice. Because you

10 01 24AM 11 are essentially -- the state is, essentially,

10 01 28AM 12 trying my client's character, his beliefs, his

10 01 28AM 13 First Amendment rights.

10 01 30AM 14 And it's cumulative, Judge. And it's

10 01 35AM 15 every witness. You have pretrial rulings about not

10 01 37AM 16 asking for cost of the seminars. Yesterday

10 01 41AM 17 Ms. Polk did. You have rulings about the Journey

10 01 43AM 18 of Power today. Mr. Hughes does. And we sit here

10 01 46AM 19 and have to object in front of the jury.

10 01 47AM 20 MR. HUGHES: I don't believe there is a

10 01 50AM 21 blanket ruling on the Journey of Power.

10 01 52AM 22 THE COURT: I think we talked about we're not

10 01 55AM 23 going into the cost of the other seminars. In one

10 01 59AM 24 witness it came up because it was connected.

10 01 59AM 25 Because it was paid -- that's how it came out.

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10 02 00AM 1 But not cost about seminars. Basically,

10 02 02AM 2 some background because you have to say obviously

10 02 04AM 3 the state's taking the position there was a real

10 02 06AM 4 feeling of trust. These people will confide and do

10 02 10AM 5 things, and that's part of what's going on in

10 02 12AM 6 there, and that's part of what might explain why

10 02 15AM 7 they stay past the point of tolerance, as opposed

10 02 18AM 8 to possibly being poisoned. That's the other way

10 02 21AM 9 it can come up.

10 02 22AM 10 So what explains the mind-set in there is

10 02 24AM 11 important. But I don't want to have this idea of

10 02 27AM 12 talking about sexual matters come up first, right

10 02 31AM 13 now. That needs to be -- if that's a theme -- I

10 02 35AM 14 think it's already in. Wasn't part of this in

10 02 40AM 15 without objection initially? I think it can move

10 02 43AM 16 ahead.

10 02 43AM 17 In terms of --

10 02 44AM 18 That's the case, Mr. Kelly. Maybe

10 02 46AM 19 ultimately there is going to be a legal problem

10 02 48AM 20 with the whole thing. You know? Cumulative --

10 02 50AM 21 MR. KELLY: And, Judge, the problem we have is

10 02 59AM 22 we're sitting in front of a jury of common folks

10 03 03AM 23 who are not lawyers. And then the theories are

10 03 05AM 24 clearly -- no offense to Ms. Polk, but yesterday

10 03 05AM 25 with one of my witnesses she asked the question

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10 03 08AM 1 about the cost of the special group. I can't

10 03 11AM 2 remember the name of it that these people --

10 03 15AM 3 THE COURT: The World Wealth Society. You

10 03 17AM 4 spent a lot of time talking about what great things

10 03 20AM 5 it does. But I mean, maybe you didn't want that

10 03 23AM 6 door opened.

10 03 25AM 7 MR. KELLY: And so when there is a pretrial

10 03 27AM 8 order that says you can't ask about the cost, and

10 03 29AM 9 you ask about the cost or require us to object or

10 03 32AM 10 we waive it, cumulatively this becomes a big

10 03 35AM 11 problem.

10 03 36AM 12 MR. HUGHES: I don't see that as the issue we

10 03 38AM 13 were at the bench about.

10 03 39AM 14 THE COURT: I don't either. In terms of the

10 03 42AM 15 question about that, if there has been a question,

10 03 44AM 16 how we're going to go into the other, we need to

10 03 47AM 17 move ahead. That has 403 problems.

10 03 50AM 18 Thank you.

10 03 56AM 19 (End of sidebar conference.)

10 03 56AM 20 THE COURT: Ladies and gentlemen, you know you

10 03 59AM 21 can stand and stretch whenever we do that.

10 04 02AM 22 Thank you.

10 04 03AM 23 Mr. Hughes.

10 04 06AM 24 MR. HUGHES: Thank you.

10 04 07AM 25 Q. Doctor, you mentioned a theme to the

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10 04 08AM 1 topics of your writing. Was there another theme or

10 04 12AM 2 any other themes that you were -- you heard Mr. Ray

10 04 16AM 3 focus your attention on in your writings?

10 04 19AM 4 A. If you ran out of that subject, you were

10 04 23AM 5 to go on about anything you had lost in your life

10 04 25AM 6 or losses or deaths, things that had happened to

10 04 29AM 7 you in your life.

10 04 30AM 8 Q. When did Mr. Ray tell you about that?

10 04 32AM 9 A. Sunday night.

10 04 38AM 10 Q. Did Mr. Ray mention when he expected you

10 04 40AM 11 to do some or all of this writing?

10 04 47AM 12 A. He did.

10 04 47AM 13 Q. When were you told to do the writing?

10 04 49AM 14 A. All night long.

10 04 54AM 15 Q. Did he tell you if that was to occur on

10 04 57AM 16 any particular night?

10 04 58AM 17 A. Every night.

10 05 01AM 18 Q. Did he tell you when you were supposed to

10 05 04AM 19 be sleeping?

10 05 05AM 20 A. He told us right from the beginning that

10 05 08AM 21 we could sleep next week.

10 05 14AM 22 Q. Throughout the week of Spiritual Warrior,

10 05 16AM 23 did you do much writing at night?

10 05 18AM 24 A. I did.

10 05 18AM 25 Q. Did you do much sleeping at night?

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10 05 21AM 1 **A. I did not.**

10 05 22AM 2 **Q.** Do you have an estimate as to how much

10 05 26AM 3 sleep you got on Sunday night?

10 05 28AM 4 **A. Three hours.**

10 05 30AM 5 **Q.** And did you write again on Monday night?

10 05 36AM 6 **A. I did.**

10 05 37AM 7 **Q.** Do you have an estimate on much how much

10 05 39AM 8 sleep you got on Monday night?

10 05 41AM 9 **A. Three or four hours.**

10 05 43AM 10 **Q.** Is that amount, three or four hours,

10 05 48AM 11 consistent with the other nights of the seminar?

10 05 50AM 12 **A. It is.**

10 05 56AM 13 **Q.** Doctor, do you have any idea how many

10 06 00AM 14 people got their head shaved?

10 06 05AM 15 **A. 41.**

10 06 05AM 16 **Q.** How is it you know that number?

10 06 07AM 17 **A. That's what was told to us when we were**

10 06 09AM 18 **there.**

10 06 10AM 19 **Q.** Who told you that?

10 06 11AM 20 **A. James announced it before going into the**

10 06 15AM 21 **sweat lodge that it had been -- and I was one of**

10 06 18AM 22 **the last ones to get my head shaved. So I was the**

10 06 21AM 23 **41st person to have their head shaved. And that**

10 06 24AM 24 **was one of his most successful numbers in the years**

10 06 32AM 25 **that he's done Spiritual Warrior since he started**

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10 06 35AM 1 **head shaving. Because they didn't always do that.**

10 06 38AM 2 **Q.** At some point after Sunday, did you begin

10 06 43AM 3 a game called the "Samurai Game"?

10 06 45AM 4 **A. We did.**

10 06 46AM 5 **Q.** And we've heard that different people may

10 06 51AM 6 have different roles in that game. Do you recall

10 06 53AM 7 what your role was in the Samurai Game?

10 06 56AM 8 **A. I was a warrior.**

10 06 59AM 9 **Q.** And would you tell us what a warrior --

10 07 01AM 10 what Mr. Ray said a warrior is supposed to do in

10 07 03AM 11 the Samurai Game.

10 07 03AM 12 **A. To serve and protect your domeo.**

10 07 10AM 13 **Q.** Did you participate in any of the

10 07 13AM 14 challenges during the Samurai Game?

10 07 15AM 15 **A. I was not asked to.**

10 07 19AM 16 **Q.** Did you hear Mr. Ray tell the

10 07 25AM 17 participants what they were to do if there was a

10 07 28AM 18 violation of the rules?

10 07 33AM 19 **A. I did.**

10 07 33AM 20 **Q.** What did he tell participants to do?

10 07 38AM 21 **A. Die.**

10 07 45AM 22 **Q.** Did he tell them any particular method

10 07 46AM 23 that they were to die?

10 07 48AM 24 **A. They were to -- it depended on the rules**

10 07 53AM 25 **depending on how you died. You died in different**

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10 07 55AM 1 **ways, either through losing a challenge or Mr. Ray**

10 08 00AM 2 **killed you or -- I mean, there is different -- or**

10 08 04AM 3 **you saw the ninja.**

10 08 07AM 4 **And when you -- you had to drop right**

10 08 11AM 5 **there. Wherever you were, wherever that happened,**

10 08 12AM 6 **you had to just drop down. You couldn't move. If**

10 08 14AM 7 **you moved, then that would actually kill another**

10 08 18AM 8 **one of your teammates.**

10 08 20AM 9 **Q.** How long did the Samurai Game last?

10 08 23AM 10 **A. Approximately seven hours.**

10 08 42AM 11 **Q.** After the Samurai Game was over, did

10 08 44AM 12 Mr. Ray say anything to the participants regarding

10 08 53AM 13 how the Samurai Game went?

10 08 56AM 14 **A. Can you repeat that question.**

10 08 58AM 15 **Q.** After the Samurai Game was over, at some

10 09 02AM 16 point in the week after that, did Mr. Ray make a

10 09 06AM 17 statement to the participants about how he believed

10 09 11AM 18 the game had gone?

10 09 13AM 19 **A. He did.**

10 09 14AM 20 **Q.** What did he say?

10 09 15AM 21 **A. Like every exercise, we had to review**

10 09 22AM 22 **what happened. It was after we had come back from**

10 09 25AM 23 **the Vision Quest. So it was probably three or four**

10 09 31AM 24 **hours before going into the sweat lodge. We had to**

10 09 33AM 25 **review how the Samurai Game was played. And**

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10 09 36AM 1 **Mr. Ray shared with them that he was so appalled**

10 09 38AM 2 **and never seen a group of people play the game**

10 09 42AM 3 **worse than us. And --**

10 09 56AM 4 **THE COURT: Thank you.**

10 09 57AM 5 **Mr. Hughes.**

10 09 57AM 6 **Q.** BY MR. HUGHES: Dr. Bunn, I believe you

10 10 03AM 7 were answering the question as to Mr. Ray's comment

10 10 07AM 8 about the vision game. Had you finished your

10 10 09AM 9 answer?

10 10 10AM 10 **A. The Samurai Game.**

10 10 11AM 11 **Q.** I'm sorry. The Samurai Game.

10 10 13AM 12 **A. He told us how appalled he was. We were**

10 10 18AM 13 **so worried about dying that we forgot to live. And**

10 10 25AM 14 **all of us had died in the game. We all had died.**

10 10 30AM 15 **Whether you died during the game or -- it didn't**

10 10 34AM 16 **matter how you played. You died.**

10 10 36AM 17 **And then our assignment was after that is**

10 10 41AM 18 **to write -- I'm not sure if it was you're obituary**

10 10 47AM 19 **or eulogy as to what would be said about you as the**

10 10 50AM 20 **kind of person that you were pertaining to how you**

10 10 53AM 21 **felt you played the game.**

10 10 55AM 22 **Q.** And how long before the sweat lodge

10 11 01AM 23 ceremony began did this conversation by Mr. Ray

10 11 03AM 24 take place?

10 11 03AM 25 **A. About three hours.**

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10 11 11AM 1 Q. Did you participate in the Vision Quest?
 10 11 14AM 2 A. I did.
 10 11 16AM 3 Q. Did Mr. Ray tell you what would happen if
 10 11 18AM 4 you violated the Vision Quest rules?
 10 11 20AM 5 A. You just never wanted to violate a rule
 10 11 22AM 6 of any game or anything you did.
 10 11 24AM 7 MR. KELLY: Objection. Nonresponsive.
 10 11 26AM 8 THE COURT: Sustained.
 10 11 28AM 9 Q. BY MR. HUGHES: Doctor, specifically to
 10 11 30AM 10 the Vision Quest, did Mr. Ray tell you what would
 10 11 32AM 11 happen if you violated a Vision Quest rule?
 10 11 34AM 12 A. He did not.
 10 11 36AM 13 Q. Had Mr. Ray told the participants at any
 10 11 38AM 14 time during the Spiritual Warrior week his opinion
 10 11 40AM 15 of a violation of a rule?
 10 11 42AM 16 A. He did not.
 10 11 44AM 17 Q. Did you stay in your Vision Quest circle
 10 11 46AM 18 for -- without food and water?
 10 11 48AM 19 A. I did.
 10 11 50AM 20 Q. How long did you stay in that circle?
 10 11 52AM 21 A. Approximately 37 hours.
 10 11 54AM 22 Q. Prior to going to the Vision Quest, did
 10 11 56AM 23 you hear anyone ask Mr. Ray what they should do
 10 11 58AM 24 about medication issues while on the Vision Quest?
 10 12 00AM 25 A. I did.

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10 12 37AM 1 Q. And did you hear Mr. Ray respond to that?
 10 12 39AM 2 A. I did.
 10 12 41AM 3 Q. What did you hear?
 10 12 43AM 4 A. We were specifically told what we could
 10 12 45AM 5 take. And that's all we could take. And a lady
 10 12 47AM 6 stood up and she said, I take high blood pressure
 10 12 49AM 7 medication. Can I take just a little bit of water
 10 12 51AM 8 to take my blood pressure medication?
 10 12 53AM 9 And Mr. Ray's response was, can't you go
 10 12 55AM 10 a day without it?
 10 12 57AM 11 And she said, no. I don't want to do
 10 12 59AM 12 that.
 10 13 01AM 13 And he said, can't you just dry swallow
 10 13 03AM 14 it, then?
 10 13 05AM 15 And she said, I'm not capable of doing
 10 13 07AM 16 that.
 10 13 09AM 17 And then he said, fine. Do whatever the
 10 13 11AM 18 fuck you want.
 10 13 13AM 19 Q. Do you recall attending the briefing
 10 13 15AM 20 before the sweat lodge?
 10 13 17AM 21 A. Uh-huh.
 10 13 19AM 22 Q. And do you recall where that took place?
 10 13 21AM 23 A. In the Crystal Hall.
 10 13 23AM 24 Q. And approximately how long before the
 10 13 25AM 25 sweat lodge did the briefing take place?

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10 13 47AM 1 A. It took about 45 minutes to an hour. And
 10 13 50AM 2 then we were given 15 minutes to go to our cabin
 10 13 52AM 3 and change.
 10 13 54AM 4 Q. At what point, then, in the day did you
 10 13 56AM 5 first learn that there was going to be a sweat
 10 13 58AM 6 lodge?
 10 14 00AM 7 A. About 12:00 o'clock that day.
 10 14 02AM 8 Q. And at what point did you learn the sort
 10 14 04AM 9 of things that you might expect to see in the
 10 14 06AM 10 participants inside of a sweat lodge?
 10 14 08AM 11 A. At the same time.
 10 14 10AM 12 Q. Was that during the briefing?
 10 14 12AM 13 A. Mr. Ray explained we wouldn't be going
 10 14 14AM 14 for lunch that day because it's going to be so
 10 14 16AM 15 intense. It's the most intense event. It's the
 10 14 18AM 16 most intense sweat lodge. Even native Indians, and
 10 14 20AM 17 other people had gone in. But his -- there is no
 10 14 22AM 18 more intense than his. And we would probably be
 10 14 24AM 19 vomiting and spitting.
 10 14 26AM 20 Q. After the briefing concluded, how soon
 10 14 28AM 21 did you arrive down at the sweat lodge area?
 10 14 30AM 22 A. Within the 20 minutes.
 10 14 32AM 23 MR. KELLY: Judge, I would stipulate to 283.
 10 14 34AM 24 THE COURT: 283 is admitted.
 10 14 36AM 25 (Exhibit 283 admitted.)

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10 15 27AM 1 MR. HUGHES: Your Honor, may I approach the
 10 15 29AM 2 witness?
 10 15 31AM 3 THE COURT: You may.
 10 15 33AM 4 Q. BY MR. HUGHES: Doctor, I'm going to show
 10 15 35AM 5 you what's been admitted as Exhibit 283 and ask you
 10 15 37AM 6 if you recognize it?
 10 15 39AM 7 A. I do.
 10 15 41AM 8 Q. Can you tell us what Exhibit 283 depicts.
 10 15 43AM 9 A. The doorway to the sweat lodge.
 10 15 45AM 10 Q. Do you recall how many doorways there
 10 15 47AM 11 were to the sweat lodge?
 10 15 49AM 12 A. That's the only one.
 10 15 51AM 13 Q. When you arrived down at the sweat lodge,
 10 15 53AM 14 did Mr. Ray have anything else to tell the
 10 15 55AM 15 participants about the sweat lodge ceremony or what
 10 15 57AM 16 would go on inside?
 10 15 59AM 17 A. He did.
 10 16 01AM 18 Q. Do you recall what he told the
 10 16 03AM 19 participants down at the sweat lodge area?
 10 16 05AM 20 A. He told us that this was the pinnacle
 10 16 07AM 21 event, that now here we're going to burn our
 10 16 09AM 22 journals, our recapitulations journals. He
 10 16 11AM 23 introduced us to the man that was building the
 10 16 13AM 24 fire, who was heating the rocks. And he said that
 10 16 15AM 25 the gentleman that was heating the rocks had

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10 16 45AM 1 informed him that this was the hottest fire ever
 10 16 48AM 2 and the rocks were hotter than any other year.
 10 16 52AM 3 And then he went to tell us -- we said a
 10 16 55AM 4 prayer, and then we burned our journals. And then
 10 17 00AM 5 we were going to get saged. And then we would line
 10 17 02AM 6 up in single file and go into the lodge and say a
 10 17 08AM 7 prayer shortly before you go in. And then you move
 10 17 10AM 8 clockwise as you -- we go into the sweat lodge.

10 17 14AM 9 Q. You mentioned that Mr. Ray said this was
 10 17 17AM 10 going to be the hottest sweat lodge this year. Did
 10 17 20AM 11 he say anything else about the heat that you would
 10 17 23AM 12 expect or the consequences of that heat while you
 10 17 27AM 13 were still outside the sweat lodge?

10 17 29AM 14 A. He explained when we were in Crystal Hall
 10 17 32AM 15 that you're going to feel like you're going to die,
 10 17 34AM 16 but you're not going to die. And it's going to
 10 17 38AM 17 feel like your skin is coming off.

10 17 40AM 18 Q. Are you -- you mentioned he said you're
 10 17 42AM 19 going to feel like you're going to die but you're
 10 17 45AM 20 not. Are you sure that statement was made inside
 10 17 47AM 21 the Crystal Hall as opposed to down outside the
 10 17 52AM 22 sweat lodge?

10 17 53AM 23 A. Yes.

10 18 06AM 24 Q. Did you get in a line to enter the sweat
 10 18 09AM 25 lodge?

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10 18 09AM 1 A. Did I get in a line?

10 18 11AM 2 Q. Yes.

10 18 11AM 3 A. Yes.

10 18 12AM 4 Q. Can you tell us if you recall your
 10 18 15AM 5 approximate position in that line.

10 18 17AM 6 A. I was towards the back.

10 18 21AM 7 Q. Do you recall where you sat inside the
 10 18 25AM 8 sweat lodge?

10 18 25AM 9 A. I do.

10 18 28AM 10 Q. Did you sit in the same place inside the
 10 18 29AM 11 sweat lodge throughout the entire sweat lodge
 10 18 32AM 12 ceremony?

10 18 32AM 13 A. I did not.

10 18 33AM 14 Q. And, Doctor, I'm going to put up on the
 10 18 36AM 15 screen Exhibit 414, which is a bit of a chart, so
 10 18 44AM 16 to speak, depicting the sweat lodge.

10 18 50AM 17 Can you see that okay?

10 18 51AM 18 A. Yes.

10 18 51AM 19 Q. And the computer monitor in front of you,
 10 18 54AM 20 you can actually touch it. And I believe where you
 10 18 56AM 21 touch a mark will appear in approximately the same
 10 18 59AM 22 place up on that screen.

10 19 01AM 23 Can you show us where you were first

10 19 05AM 24 sitting inside the sweat lodge, if you were to
 10 19 08AM 25 assume that this little break in the circle with

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10 19 11AM 1 the bottom is the entrance and what's marked as the
 10 19 15AM 2 pit in the middle was the rock pit or the fire pit.

10 19 19AM 3 A. Okay. I sat on the inner circle
 10 19 24AM 4 approximately in there.

10 19 26AM 5 Q. Okay. Now, you mentioned an inner
 10 19 30AM 6 circle. Can you tell us how many rows of people
 10 19 32AM 7 were sitting in the area where you were first
 10 19 35AM 8 seated.

10 19 35AM 9 A. There was an outer circle, and then there
 10 19 38AM 10 was an inner circle. So two rows total.

10 19 43AM 11 Q. Can you tell us approximately how -- what
 10 19 46AM 12 you mean by an "outer circle" and "inner circle"
 10 19 49AM 13 with relation to or respect to the wall of the
 10 19 52AM 14 sweat lodge and the fire pit. Can you draw the
 10 19 56AM 15 lines of people, in other words, on this exhibit.

10 20 03AM 16 And I'll give you a different color to
 10 20 05AM 17 make those lines on the screen.

10 20 11AM 18 A. I don't quite understand.

10 20 12AM 19 Q. I apologize. It's probably not a good
 10 20 16AM 20 question.

10 20 16AM 21 Was there a row of people seated behind
 10 20 19AM 22 you?

10 20 21AM 23 A. Yes.

10 20 21AM 24 Q. And then were you a member of a row of
 10 20 28AM 25 people seated in front of the row behind you?

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10 20 29AM 1 A. Correct.

10 20 35AM 2 Q. Would you mark again, then, the location
 10 20 38AM 3 where you were seated.

10 20 42AM 4 Do you recall how long you stayed in that
 10 20 45AM 5 location inside the sweat lodge?

10 20 48AM 6 A. Until the end of round 4.

10 20 51AM 7 Q. You mentioned earlier you remember the
 10 20 54AM 8 number of people whose heads were shaved. Do you
 10 20 57AM 9 remember the number of participants or Dream Team
 10 21 02AM 10 members who were inside the sweat lodge?

10 21 06AM 11 A. I can't give an exact total. I can give
 10 21 09AM 12 you a few names.

10 21 10AM 13 Q. Okay. Was it more than 10?

10 21 15AM 14 A. No.

10 21 17AM 15 Q. Do you know how many people were inside
 10 21 19AM 16 the sweat lodge?

10 21 23AM 17 A. On that day, no. I did not know the
 10 21 28AM 18 exact number. I know there was more than 50 people
 10 21 30AM 19 between the participants and James's team.

10 21 33AM 20 Q. Do you know how many of James's team were
 10 21 37AM 21 inside the sweat lodge?

10 21 39AM 22 A. Approximately eight that I can count.

10 21 54AM 23 Q. Now, you mentioned that you can give us
 10 21 56AM 24 some names of where people were seated; correct?

10 22 00AM 25 A. Uh-huh.

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10 22 01AM 1 Q. Can you mark for us on the chart -- and
 10 22 04AM 2 I'll change the color here. Would you mark for us
 10 22 07AM 3 the locations and just tell us the name as you
 10 22 10AM 4 mark. And you can maybe just put an "X" or a dot
 10 22 13AM 5 or something like that to mark the location where
 10 22 16AM 6 people you recall were seated during those first
 10 22 19AM 7 four rounds.
 10 22 22AM 8 A. During the first four rounds?
 10 22 25AM 9 Q. And if you recall someone moved, just let
 10 22 28AM 10 us know.
 10 22 31AM 11 A. There is James and Megan and Taylor and
 10 22 34AM 12 Aaron and Liz, Mark Rock. Here is Sidney, Kirby,
 10 22 37AM 13 James Shore, Linda, Bandy, Robert. I want to say
 10 22 40AM 14 Michael. I know that Greg was over here. And
 10 22 43AM 15 prior to --
 10 22 46AM 16 We're talking about the first four
 10 22 49AM 17 rounds; correct?
 10 23 02AM 18 Q. Is that the time period that you remained
 10 23 05AM 19 in the location where the green dot is on the
 10 23 08AM 20 screen?
 10 23 11AM 21 A. Correct. But there is two other people.
 10 23 14AM 22 And I don't quite recall the names. I know that
 10 23 17AM 23 one gentleman's name was Carlos. And I know that
 10 23 20AM 24 he was back here, and his wife was back here as
 10 23 23AM 25 well. And I know that the wife left on the first

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10 24 13AM 1 round, because she was one of my roommates also.
 10 24 16AM 2 Or she was one of the people in my cabin.
 10 24 19AM 3 And the second round Carlos went to
 10 24 22AM 4 leave, and he scared me because he was -- he was --
 10 24 25AM 5 he couldn't stand, and he could barely crawl out.
 10 24 28AM 6 And it was only the end of the second round. And
 10 24 31AM 7 he was just -- and I know that he came here because
 10 24 34AM 8 he had to come straight past me.
 10 24 37AM 9 Q. You said he had to come straight past
 10 24 40AM 10 you. Was there a procedure for exiting the sweat
 10 24 43AM 11 lodge?
 10 24 46AM 12 A. Yes.
 10 24 49AM 13 Q. What was that procedure?
 10 25 02AM 14 A. You could only go clockwise.
 10 25 05AM 15 Q. And was there a time or times when you
 10 25 08AM 16 could or could not leave the sweat lodge?
 10 25 11AM 17 A. There was.
 10 25 14AM 18 Q. What were those time or times?
 10 25 17AM 19 A. You could only leave when the door was
 10 25 20AM 20 open or the flap was open, you want to call it.
 10 25 23AM 21 Q. And we'll move -- I'm going to ask you
 10 25 26AM 22 some questions about other rounds. Turning your
 10 25 29AM 23 attention now to the first round, do you recall how
 10 25 32AM 24 many rocks came into the sweat lodge to start the
 10 25 35AM 25 first round?

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10 25 21AM 1 A. 12.
 10 25 24AM 2 Q. Could you notice a change in temperature
 10 25 27AM 3 inside the sweat lodge once the rocks were moved
 10 25 30AM 4 inside?
 10 25 33AM 5 A. Little bit once the rocks were moved
 10 25 36AM 6 inside but really not until the five-gallon bucket
 10 25 39AM 7 of water was poured on top of it.
 10 25 42AM 8 Q. Okay. And could you hear who directed
 10 25 45AM 9 the rocks to come inside?
 10 25 48AM 10 A. James Ray.
 10 25 51AM 11 Q. And could you hear whether he directed
 10 25 54AM 12 that a particular number of rocks come in?
 10 25 57AM 13 A. Yes.
 10 26 00AM 14 Q. And how many did he ask to come in on the
 10 26 03AM 15 first round?
 10 26 06AM 16 A. 12.
 10 26 09AM 17 Q. Throughout the sweat lodge ceremony, did
 10 26 12AM 18 you ever hear anybody other than the defendant
 10 26 15AM 19 asking for rocks to be brought inside?
 10 26 18AM 20 A. Never.
 10 26 21AM 21 Q. Did you -- throughout the sweat lodge
 10 26 24AM 22 ceremony, did you ever hear anyone other than the
 10 26 27AM 23 defendant directing the number of rocks to be
 10 26 30AM 24 brought inside?
 10 26 33AM 25 A. No, I did not.

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10 26 19AM 1 Q. Now, you mentioned water got dumped on
 10 26 22AM 2 the rocks. Can you tell us who dumped the water on
 10 26 25AM 3 the rocks in the first round.
 10 26 28AM 4 A. Mr. Ray.
 10 26 31AM 5 Q. I'll put a new color up on the screen.
 10 26 34AM 6 Did Mr. Ray dump the water on the rocks
 10 26 37AM 7 from the location you marked where he was seated?
 10 26 40AM 8 Did he dump the water on the rocks from the
 10 26 43AM 9 location generally where you indicated he was
 10 26 46AM 10 seated or from some other location?
 10 26 49AM 11 A. From another location.
 10 26 52AM 12 Q. And did you -- were you able to see what
 10 26 55AM 13 that location was?
 10 26 58AM 14 A. Yes.
 10 27 01AM 15 Q. Can you mark for us on the chart the
 10 27 04AM 16 location where you saw Mr. Ray at when he dumped
 10 27 07AM 17 the water on the rocks.
 10 27 10AM 18 A. He moved forward to approximately here,
 10 27 13AM 19 because no one was allowed to sit in front of
 10 27 16AM 20 James.
 10 27 19AM 21 Q. And throughout the ceremony did water get
 10 27 22AM 22 dumped on the rocks at other times?
 10 27 25AM 23 A. Every round.
 10 27 28AM 24 Q. And could you tell who dumped the water
 10 27 31AM 25 on the rocks each time?

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10 27 28AM 1 **A. Mr. Ray.**

10 27 29AM 2 **Q.** Throughout the sweat lodge ceremony, did

10 27 30AM 3 anyone other than Mr. Ray dump the water on the

10 27 31AM 4 rocks?

10 27 32AM 5 **A. Not to my knowledge.**

10 27 36AM 6 **Q.** Did Mr. Ray move from the second location

10 27 40AM 7 by the pit after dumping the water on the rocks?

10 27 44AM 8 **A. Every time.**

10 27 44AM 9 **Q.** And where would he move to?

10 27 46AM 10 **A. Back to the first place. But he would**

10 27 51AM 11 **lay down as the rounds went on.**

10 28 00AM 12 **Q.** Do you recall how much water Mr. Ray

10 28 04AM 13 dumped on those rocks in the first round?

10 28 08AM 14 **A. It was a five-gallon bucket. It was**

10 28 11AM 15 **pretty full.**

10 28 18AM 16 **Q.** Did you see the buckets prior to going

10 28 20AM 17 into the sweat lodge?

10 28 21AM 18 **A. I did.**

10 28 54AM 19 **Q.** Doctor, I'm going to show you

10 28 58AM 20 Exhibit 144, which has already been admitted, and

10 29 03AM 21 ask if the buckets that you've described are

10 29 07AM 22 depicted in that photograph or not?

10 29 10AM 23 **A. They are.**

10 29 10AM 24 **Q.** Would you using your touch screen circle

10 29 15AM 25 the area where the buckets are depicted in that

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10 29 18AM 1 exhibit.

10 29 18AM 2 **A. To the right of the door.**

10 29 28AM 3 **Q.** Doctor, do you recall approximately how

10 29 36AM 4 long the first round was?

10 29 41AM 5 **A. The first round was the longest round.**

10 29 48AM 6 **It was 20 to 25 minutes.**

10 29 53AM 7 **Q.** Now, were you allowed to bring a watch or

10 29 57AM 8 cell phone or anything like that with a clock on it

10 30 00AM 9 into the sweat lodge?

10 30 01AM 10 **A. No. We were told to remove all our**

10 30 06AM 11 **jewelry because it would get so hot it would burn**

10 30 08AM 12 **you.**

10 30 08AM 13 **Q.** What is your 20- to 25-minute estimate

10 30 11AM 14 based upon?

10 30 12AM 15 **A. Because the other rounds were shorter.**

10 30 18AM 16 **My feeling.**

10 30 21AM 17 **Q.** When the water got dumped on the rocks

10 30 30AM 18 inside the sweat lodge, was the gate or the flap to

10 30 35AM 19 the sweat lodge open or closed?

10 30 41AM 20 **A. Closed.**

10 30 44AM 21 **Q.** Did much light come into the sweat lodge

10 30 52AM 22 once that flap was closed?

10 30 52AM 23 **A. No.**

10 30 53AM 24 **Q.** Can you characterize or describe for us

10 30 56AM 25 the lighting conditions inside once the gate or the

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10 30 59AM 1 flap was closed.

10 31 01AM 2 **A. There wasn't much light at all when the**

10 31 04AM 3 **gate was closed. However, when the rocks were**

10 31 06AM 4 **brought in, the rocks were glowing red. So you**

10 31 09AM 5 **could actually see a little bit until the water**

10 31 13AM 6 **doused the rocks because the light was coming from**

10 31 17AM 7 **the rocks at the time.**

10 31 20AM 8 **Q.** Now, you mentioned or started to mention,

10 31 25AM 9 that I moved to another area that you noticed the

10 31 27AM 10 temperature get hotter once the water was dumped on

10 31 32AM 11 it.

10 31 32AM 12 **Do you recall that?**

10 31 32AM 13 **A. Uh-huh.**

10 31 34AM 14 **Q.** Can you describe for us what you mean by,

10 31 36AM 15 it got hotter.

10 31 37AM 16 **A. Just because so much steam filled the**

10 31 41AM 17 **air. It just evaporated all the steam. It was a**

10 31 45AM 18 **big exhaust.**

10 31 48AM 19 **Q.** Good answer to a bad question. What I

10 31 49AM 20 meant is can you describe, if you can,

10 31 52AM 21 approximately how much hotter it felt to you or how

10 31 57AM 22 much hotter it got once the rocks have the water

10 32 02AM 23 placed on them.

10 32 02AM 24 **A. I can't give you a temperature change.**

10 32 07AM 25 **Q.** Did the defendant say anything during the

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10 32 11AM 1 first round?

10 32 13AM 2 **A. He led the round.**

10 32 15AM 3 **Q.** And what do you mean by "He led the

10 32 17AM 4 round"?

10 32 18AM 5 **A. He introduced us to the sweat lodge.**

10 32 23AM 6 **Once we were all inside and sitting, he introduced**

10 32 27AM 7 **us to the sweat lodge. Then he told us he would be**

10 32 30AM 8 **leading us in chants. He told us about the gods,**

10 32 37AM 9 **east, west, north, east areas, the god of water,**

10 32 45AM 10 **the god of air, the god of earth, the god of fire**

10 32 48AM 11 **were there with us.**

10 32 51AM 12 **And then he went on to speak in different**

10 32 57AM 13 **tongues that I didn't really understand, different**

10 32 58AM 14 **languages, whether it was native Indian or it was**

10 33 02AM 15 **some Spanish. I didn't recognize it. And I didn't**

10 33 05AM 16 **know what it was. He led us through everything.**

10 33 09AM 17 **And then sometimes he would say, okay.**

10 33 10AM 18 **The men say this. The women say this. And we**

10 33 13AM 19 **would chant back and forth. And then we were**

10 33 17AM 20 **supposed to, as he told us to do, say what you are.**

10 33 26AM 21 **We're strong. We're powerful. We're getting**

10 33 28AM 22 **through this.**

10 33 29AM 23 **Q.** During the first round did you hear

10 33 31AM 24 anybody speak inside the sweat lodge other than

10 33 36AM 25 Mr. Ray at any time other than when Mr. Ray

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10 33 41AM 1 directed people to speak?

10 33 44AM 2 **A. The first round?**

10 33 46AM 3 **Q. Yes.**

10 33 47AM 4 **A. No, I did not.**

10 33 57AM 5 **Q. You indicated participants in the first**

10 34 04AM 6 **round would speak some intentions. Did that occur**

10 34 04AM 7 **before or after Mr. Ray directed them to speak?**

10 34 09AM 8 **MR. KELLY: Your Honor, objection to the form**

10 34 10AM 9 **of the question.**

10 34 15AM 10 **THE COURT: Overruled.**

10 34 16AM 11 **You may answer that if you can.**

10 34 18AM 12 **THE WITNESS: We had our -- brought our**

10 34 21AM 13 **pouches in. That was one of the things we were**

10 34 25AM 14 **told to bring to the sweat lodge was our pouches.**

10 34 27AM 15 **We bought them into the sweat lodge when we**

10 34 30AM 16 **assembled in our outer ring and inner ring. You**

10 34 32AM 17 **were supposed to hang your pouches right in front**

10 34 35AM 18 **of you.**

10 34 38AM 19 **And these were going to be used if we**

10 34 41AM 20 **were praying for them or giving intention to them**

10 34 45AM 21 **throughout each round. And each pouch meant**

10 34 48AM 22 **something different. And in the first round he**

10 34 52AM 23 **mentioned that we were about to start to do our**

10 34 55AM 24 **intentions to each pouch and go for that.**

10 35 00AM 25 **But he didn't -- we didn't say anything**

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10 35 04AM 1 **in the first round other than what we were told to**

10 35 06AM 2 **say, what we were supposed to chant and who was**

10 35 11AM 3 **supposed to chant. It was just an introduction.**

10 35 15AM 4 **Q. BY MR. HUGHES: Do you recall when the**

10 35 20AM 5 **first round ended if anyone left the sweat lodge?**

10 35 24AM 6 **A. I do.**

10 35 25AM 7 **Q. What do you recall?**

10 35 26AM 8 **A. The lady. She was married to Carlos.**

10 35 32AM 9 **I'm sorry. Lu. I think her name was Lu. And she**

10 35 37AM 10 **was a marathon runner. And she left the sweat**

10 35 41AM 11 **lodge after the first round, and she had to go past**

10 35 44AM 12 **me. That's the one person I recall leaving.**

10 35 46AM 13 **Q. And would you on this chart indicate**

10 35 48AM 14 **again where she was seated, where you were seated**

10 35 52AM 15 **and how she moved out the sweat lodge.**

10 35 55AM 16 **A. I recall her coming from here. Whether**

10 35 59AM 17 **she was seated in the front row, back row, I'm not**

10 36 02AM 18 **sure. I just know she came from this direction,**

10 36 05AM 19 **proceeded in a clockwise direction and left.**

10 36 08AM 20 **Q. Out this way?**

10 36 08AM 21 **A. Correct.**

10 36 15AM 22 **Q. Do you recall whether anyone else left at**

10 36 17AM 23 **the end of the first round?**

10 36 20AM 24 **A. That's the person that sticks in my mind**

10 36 20AM 25 **the most.**

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10 36 20AM 1 **Q. Do you remember whether Lu, this woman**

10 36 23AM 2 **you mentioned, ever came back inside the sweat**

10 36 27AM 3 **lodge?**

10 36 27AM 4 **A. She did not. She didn't come back in. I**

10 36 31AM 5 **only know that from after.**

10 36 33AM 6 **Q. And what I'm concentrating on is what you**

10 36 37AM 7 **observed at the time of the sweat lodge, not what**

10 36 42AM 8 **someone might have told you afterwards.**

10 36 44AM 9 **A. Okay.**

10 36 48AM 10 **Q. Do you recall how many rocks the**

10 36 52AM 11 **defendant directed to come in at the beginning of**

10 36 55AM 12 **round 2?**

10 36 58AM 13 **A. 12 again.**

10 37 00AM 14 **Q. When the rocks were placed in the pit, do**

10 37 08AM 15 **you recall whether the temperature in the area you**

10 37 11AM 16 **were seated in -- did it change in any way?**

10 37 15AM 17 **A. Before or after the water was put on?**

10 37 18AM 18 **Q. Let's start with before the water got put**

10 37 21AM 19 **on.**

10 37 22AM 20 **A. I mean, a little bit. You could feel the**

10 37 24AM 21 **heat coming off of it like a fire. It's different**

10 37 27AM 22 **after the water is put on.**

10 37 28AM 23 **Q. Do you recall how much water was dumped**

10 37 33AM 24 **on the rocks after those second group of 12 rocks**

10 37 38AM 25 **were brought in?**

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10 37 39AM 1 **A. The five-gallon bucket was poured on top**

10 37 42AM 2 **of them again.**

10 37 43AM 3 **Q. And do you recall how much hotter it got**

10 37 47AM 4 **in the area you were seated in once that water was**

10 37 51AM 5 **dropped on the rocks?**

10 37 52AM 6 **A. At that point in time it feels like it**

10 37 55AM 7 **doubled because I actually couldn't -- I couldn't**

10 37 58AM 8 **stay seated anymore. And Mr. Ray said that if we**

10 38 03AM 9 **wanted -- if we could put our faces closer to the**

10 38 06AM 10 **earth, then we would breathe from the ground and**

10 38 09AM 11 **the ground would help to cool us a little bit. At**

10 38 11AM 12 **that point in time I somewhat laid down.**

10 38 17AM 13 **Q. Okay. And that was in round 2?**

10 38 19AM 14 **A. During round 2. Yes.**

10 38 22AM 15 **Q. Do you recall whether in between round 1**

10 38 26AM 16 **and round 2 when the gate was opened, could you**

10 38 33AM 17 **feel any breeze or any cooling in the area you were**

10 38 36AM 18 **seated in while that gate was open?**

10 38 38AM 19 **A. I could not feel any fresh air.**

10 38 41AM 20 **Q. How about in any of the rounds after**

10 38 44AM 21 **round 2?**

10 38 45AM 22 **A. Yes.**

10 38 46AM 23 **Q. Could you feel at some point some cooling**

10 38 48AM 24 **in the area you were seated in?**

10 38 51AM 25 **A. Not where I was seated. But I moved.**

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10:38:55AM 1 Q. At this point we're referring to the area
 10:38:58AM 2 up through round 4.
 10:39:01AM 3 A. At no point in time did I ever feel any
 10:39:04AM 4 of the air coming when the door was opened.
 10:39:07AM 5 Q. Once round 2 started and the door was
 10:39:10AM 6 closed, could you feel any air circulating around
 10:39:13AM 7 inside the sweat lodge?
 10:39:16AM 8 A. Other than hot air, yes.
 10:39:19AM 9 Q. Can you tell us as you were seated in
 10:39:22AM 10 there approximately how far were you from the fire
 10:39:25AM 11 pit or the rock pit?
 10:39:28AM 12 A. Approximately five and a half feet.
 10:39:31AM 13 Q. And -- think of a way to ask this. Was
 10:39:34AM 14 the five and a half feet from where the core of
 10:39:37AM 15 your body was located or from where your feet were
 10:39:40AM 16 located?
 10:39:43AM 17 A. From the core of my body.
 10:40:01AM 18 Q. Were your feet in a position in front of
 10:40:04AM 19 your body?
 10:40:07AM 20 A. Uh-huh.
 10:40:10AM 21 Q. Is that a yes?
 10:40:13AM 22 A. Yes.
 10:40:16AM 23 Q. And how many feet would you recon were
 10:40:19AM 24 between your feet and the coal pit or the rock pit?
 10:40:22AM 25 A. Three and a half to four.
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10:40:28AM 1 Q. During the second round did Mr. Ray say
 10:40:31AM 2 anything?
 10:40:34AM 3 A. Yeah. That's when he actually --
 10:40:37AM 4 that's -- we have seven pouches. And that's when I
 10:40:40AM 5 knew we had seven more rounds, because he announced
 10:40:43AM 6 we were going to start with the first pouch and
 10:40:46AM 7 that the sweat lodge would be over on the last
 10:40:49AM 8 pouch.
 10:40:52AM 9 So that's when I figured out how long it
 10:40:55AM 10 was going to be. He told us that and poured the
 10:40:58AM 11 water on there, led us in some more chants. We
 10:41:01AM 12 always had to say, hail, grandfather, every time a
 10:41:04AM 13 rock was come in.
 10:41:07AM 14 But then the door was closed, and he led
 10:41:10AM 15 us in chants. And then he would always tell us
 10:41:13AM 16 we're stronger than this. Overcome it. You're
 10:41:16AM 17 stronger than your body. Mind over matter.
 10:41:19AM 18 And then we had to give what our
 10:41:22AM 19 intention was with regards to our first pouch, and
 10:41:25AM 20 you had to yell at the end, I am whatever you are.
 10:41:28AM 21 Q. Were the giving of the intentions or the
 10:41:31AM 22 yelling -- was that something that people could
 10:41:34AM 23 decide on their own when to do?
 10:41:37AM 24 A. No.
 10:41:40AM 25 Q. Who decided when they were able to say
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10:41:57AM 1 those things
 10:41:58AM 2 A. Mr. Ray.
 10:42:02AM 3 Q. You mentioned your pouches. Did you do
 10:42:05AM 4 anything with the pouches as the sweat lodge
 10:42:08AM 5 ceremony progressed from the beginning to the end?
 10:42:11AM 6 A. We were to hold whichever pouch you
 10:42:14AM 7 wanted. You were supposed to hold that as you went
 10:42:17AM 8 through -- and when you said your prayer and gave
 10:42:20AM 9 your intention towards that pouch as you were going
 10:42:23AM 10 through that round.
 10:42:26AM 11 May I ask a question?
 10:42:29AM 12 MR. KELLY: Your Honor, objection.
 10:42:32AM 13 THE COURT: We need to take a morning recess
 10:42:35AM 14 anyway.
 10:42:38AM 15 The rule of exclusion of witnesses has
 10:42:41AM 16 been invoked in this matter. I'm sure you know
 10:42:44AM 17 that. It means you can't discuss the case or your
 10:42:47AM 18 testimony with any other witness until it's over.
 10:42:50AM 19 THE WITNESS: Okay.
 10:42:53AM 20 THE COURT: You can talk to the lawyers,
 10:42:56AM 21 however, as long as there is no other witness
 10:42:59AM 22 present. You can do that. Please remember that.
 10:43:02AM 23 I'll give you a little more explanation
 10:43:05AM 24 later. That should suffice for the recess here.
 10:43:08AM 25 Ladies and gentlemen, please remember the
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10:43:07AM 1 admonition. Please be reassembled at five after
 10:43:10AM 2 11:00, about 20 minutes.
 10:43:13AM 3 Thank you.
 10:43:16AM 4 (Recess.)
 11:08:15AM 5 THE COURT: The record will show the presence
 11:08:18AM 6 of the defendant, Mr. Ray; the attorneys, the jury.
 11:08:21AM 7 The witness, Dr. Bunn, has returned to the witness
 11:08:24AM 8 stand. She has previously been sworn.
 11:08:27AM 9 Mr. Hughes.
 11:08:30AM 10 MR. HUGHES: Thank you.
 11:08:33AM 11 Q. Doctor, I think when we left off, you had
 11:08:36AM 12 mentioned that you saw a woman -- or you were
 11:08:39AM 13 holding onto a pouch. Is that correct?
 11:08:42AM 14 A. Correct.
 11:08:45AM 15 Q. Can you tell us where the pouches were
 11:08:48AM 16 located in the sweat lodge.
 11:08:51AM 17 A. They were just hanging from the framework
 11:08:54AM 18 right in front of you.
 11:08:57AM 19 Q. And how many pouches were hanging inside
 11:09:00AM 20 the sweat lodge at the beginning of the second
 11:09:03AM 21 round?
 11:09:06AM 22 A. I only paid attention to my pouch.
 11:09:09AM 23 Q. Okay. How many pouches were hanging in
 11:09:12AM 24 front of you at the beginning of the second round?
 11:09:15AM 25 A. One.
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11 08 07AM 1 Q. And do you know how that pouch got there?

11 09 09AM 2 A. I put it there.

11 09 13AM 3 Q. Okay. And as the sweat lodge progressed,

11 09 13AM 4 did you put or hang additional pouches?

11 09 22AM 5 A. They were all connected together. All

11 09 22AM 6 seven were hanging there in front.

11 09 25AM 7 Q. And how did you know to hang the pouches

11 09 28AM 8 where you did?

11 09 29AM 9 A. That's what we were instructed to do.

11 09 32AM 10 Q. And who instructed you to hang the

11 09 34AM 11 pouches?

11 09 35AM 12 A. Mr. Ray.

11 09 40AM 13 Q. Did Mr. Ray ever instruct the

11 09 43AM 14 participants to hang on to or hold on to the

11 09 45AM 15 pouches as they hung there?

11 09 47AM 16 A. You were supposed to hold on to it as you

11 09 51AM 17 were giving it intention pertaining to what it

11 09 54AM 18 meant or what we were intending for it to be.

11 09 56AM 19 Q. And when did Mr. Ray give you that

11 09 58AM 20 instruction?

11 10 00AM 21 A. When we were in the sweat lodge and the

11 10 05AM 22 door closed and we were about to start the -- we

11 10 09AM 23 were going to give our intentions to pouch 1. We

11 10 12AM 24 were going to give our intentions to pouch 2.

11 10 14AM 25 Q. And the giving of intentions. Was that

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11 10 17AM 1 something you would say in your head or you would

11 10 19AM 2 say out loud?

11 10 20AM 3 A. Both.

11 10 20AM 4 Q. And who would decide whether you would

11 10 24AM 5 say them out loud or not?

11 10 25AM 6 A. Mr. Ray.

11 10 30AM 7 Q. Now, when we ended, you had a question

11 10 35AM 8 for me. I think I know where to go with that. I

11 10 39AM 9 had asked you some distances between where you were

11 10 42AM 10 at and where the fire pit was.

11 10 43AM 11 Do you recall that?

11 10 44AM 12 A. Yes.

11 10 51AM 13 Q. And what I didn't ask was while you were

11 10 54AM 14 seated in that location, did you change your

11 10 58AM 15 position from a seated position to any other sort

11 11 03AM 16 of position?

11 11 04AM 17 A. I laid down.

11 11 05AM 18 Q. And do you recall when you laid down?

11 11 08AM 19 A. I started to lay down in round 2 and laid

11 11 13AM 20 down all through round 3 and round 4.

11 11 16AM 21 Q. As you lay down, was your head or your

11 11 22AM 22 feet closer to the pit?

11 11 22AM 23 A. My feet.

11 11 23AM 24 Q. And as you lay down, how close would you

11 11 29AM 25 recon your feet were from the pit?

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11 11 31AM 1 A. They were on the edge of the pit.

11 11 33AM 2 Q. Could you feel heat coming from the pit?

11 11 35AM 3 A. I did.

11 11 36AM 4 Q. How did that feel to you?

11 11 37AM 5 A. I brought my feet back so my knees were

11 11 42AM 6 in the air. Because I couldn't extent my legs all

11 11 46AM 7 the way up. It was just too hot.

11 11 48AM 8 Q. Why is it that you lay down? Did you say

11 11 54AM 9 it was in the second round?

11 11 55AM 10 A. Uh-huh.

11 11 56AM 11 Q. Why is it that you lay down?

11 11 58AM 12 A. Because the heat is just so intense.

11 12 00AM 13 Heat rises. And you just -- you can't physically

11 12 04AM 14 sit there through it. It's too hard to breathe.

11 12 07AM 15 And when you lay down, it allows you to breathe a

11 12 10AM 16 little more easily.

11 12 17AM 17 Q. I'm going to show you what's been

11 12 20AM 18 admitted as Exhibit 325.

11 12 32AM 19 Do you recognize what's depicted in

11 12 34AM 20 Exhibit 325?

11 12 37AM 21 A. I do.

11 12 38AM 22 Q. Can you tell us what we're seeing in that

11 12 40AM 23 photograph.

11 12 41AM 24 A. Kirby's pouches.

11 12 49AM 25 Q. And would you point or circle to us where

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11 12 54AM 1 Kirby's pouches were.

11 12 57AM 2 A. All seven of them are here.

11 13 00AM 3 Q. How do you know that those are Kirby's

11 13 03AM 4 pouches?

11 13 04AM 5 A. Because we shared with each other before

11 13 07AM 6 we went to the Vision Quest, actually when we first

11 13 12AM 7 got there, about what kind of material did you get

11 13 15AM 8 for your -- we didn't know what we were going to

11 13 18AM 9 build and how we were going to do it. And we

11 13 20AM 10 shared. Do you have enough material? Some people

11 13 22AM 11 have enough material. Does everybody have string?

11 13 25AM 12 And when we came back from our Vision

11 13 28AM 13 Quest and we were in the room also getting ready

11 13 31AM 14 for the sweat lodge, we kind of ran through. Okay,

11 13 35AM 15 guys. We got to pull out our journals. It was

11 13 38AM 16 Kirby and Julie and I reminding each other you got

11 13 41AM 17 to take your intention rocks. What are you going

11 13 42AM 18 to wear? Don't forget your pouches.

11 13 44AM 19 And everybody wrapped theirs around your

11 13 47AM 20 neck and kind of did an order making sure that

11 13 49AM 21 everybody had everything they needed before went

11 13 51AM 22 down together.

11 13 52AM 23 Q. Now, do you recall where Kirby was seated

11 14 01AM 24 at the beginning of the sweat lodge ceremony?

11 14 05AM 25 A. She's -- she was in the back row

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11 14 13AM 1 approximately here.

11 14 14AM 2 Q. Do you know whether she moved to a

11 14 17AM 3 different location inside the sweat lodge while the

11 14 18AM 4 ceremony was going on?

11 14 25AM 5 A. She did not move.

11 14 28AM 6 Q. And, Doctor, then, showing you again

11 14 34AM 7 Exhibit 325, does this exhibit help you to

11 14 39AM 8 determine where in the photograph Kirby would have

11 14 45AM 9 been seated?

11 14 49AM 10 A. It doesn't. I just know it because I saw

11 14 51AM 11 it before it was hanging there. This doesn't

11 14 54AM 12 because I can't orientate myself as to where the

11 14 55AM 13 door is.

11 14 58AM 14 Q. Did people hang their pouches in the area

11 15 00AM 15 where they were going to sit?

11 15 01AM 16 A. Yes.

11 15 07AM 17 Q. And then looking at the photograph, can

11 15 13AM 18 you tell us approximately the height of the

11 15 17AM 19 structure from the roof down to the floor.

11 15 28AM 20 A. Obviously when you're closer to the

11 15 33AM 21 outside walls, it's little bit lower. But I think

11 15 37AM 22 maximum height of the whole thing is maybe 4 feet,

11 15 41AM 23 maybe just a little more. You had to crawl. You

11 15 42AM 24 couldn't stand.

11 15 42AM 25 Q. And you mentioned that you laid down in

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11 15 48AM 1 round 2. Could you determine or notice a

11 15 52AM 2 difference in the temperature from the top half

11 15 56AM 3 inside the lodge as you sat and then lay and the

11 16 00AM 4 bottom half area of the lodge?

11 16 02AM 5 A. Dramatically.

11 16 03AM 6 Q. What do you mean by "dramatically"?

11 16 05AM 7 A. When -- you almost couldn't breathe. You

11 16 09AM 8 were -- it was just difficult to even get the air

11 16 12AM 9 in. I don't know if the air was so thick. But

11 16 15AM 10 when you laid down, it was just easier to breathe

11 16 19AM 11 in and out, and you could control your breathing a

11 16 21AM 12 little bit more. It was just very, very humid,

11 16 28AM 13 almost suffocating.

11 16 29AM 14 Q. Where was that very humid, almost

11 16 32AM 15 suffocating air?

11 16 34AM 16 A. When you're sitting up.

11 16 35AM 17 Q. Was that, then, in the top side of the

11 16 38AM 18 sweat lodge?

11 16 38AM 19 A. Yes.

11 16 40AM 20 Q. Do you recall what defendant said during

11 16 55AM 21 the second round of the sweat lodge ceremony?

11 17 04AM 22 A. They were going to continue a chant, but

11 17 06AM 23 this was going to be our second round. This was

11 17 10AM 24 going to be giving our intention to our first

11 17 10AM 25 pouch. And then he defined what our first pouch

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11 17 13AM 1 was again to us.

11 17 14AM 2 And then we went through that, did some

11 17 19AM 3 chants. He said to vocally speak out or yell out

11 17 21AM 4 what your intentions are for your first pouch

11 17 24AM 5 toward the end.

11 17 25AM 6 Q. Did you hear people do that?

11 17 26AM 7 A. We did it all simultaneously. Once he

11 17 28AM 8 finished the chant, then it's I am, and what are

11 17 32AM 9 you going to do?

11 17 33AM 10 Q. Is that, then, when people would hold on

11 17 36AM 11 to their pouches?

11 17 36AM 12 A. Correct.

11 17 42AM 13 Q. After people give their intentions and

11 17 51AM 14 yelled out and held on to their pouches, did the

11 17 53AM 15 defendant say anything else before round 2 ended?

11 18 00AM 16 A. Can you repeat that again.

11 18 02AM 17 Q. After people spoke out or yelled out

11 18 05AM 18 their intentions simultaneously --

11 18 08AM 19 MR. KELLY: Your Honor, objection to the forms

11 18 10AM 20 of these questions. Summarizing the previous

11 18 13AM 21 testimony.

11 18 15AM 22 MR. HUGHES: Your Honor, I'm trying to lay

11 18 17AM 23 some foundation.

11 18 18AM 24 THE COURT: Overruled. And if the witness

11 18 21AM 25 cannot answer the question because it's has an

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11 18 24AM 1 incorrect premise, we can be notified.

11 18 27AM 2 Go ahead and pose your question,

11 18 28AM 3 Mr. Hughes.

11 18 28AM 4 MR. HUGHES: Thank you.

11 18 30AM 5 Q. After the speaking or the yelling of the

11 18 32AM 6 intentions, did the defendant say anything at that

11 18 36AM 7 point in the second round?

11 18 38AM 8 A. That's when the round ended and the door

11 18 41AM 9 opened.

11 18 43AM 10 Q. When the round ended and the door

11 18 47AM 11 opened --

11 18 48AM 12 MR. KELLY: Your Honor, objection to the form

11 18 50AM 13 of the question. Summarizing the previous

11 18 52AM 14 testimony of each question.

11 18 56AM 15 THE COURT: Overruled on that question.

11 18 57AM 16 Mr. Hughes, go ahead.

11 18 59AM 17 MR. HUGHES: Thank you. And, Your Honor, I'm

11 19 02AM 18 trying to avoid the what-happened-next sort of

11 19 04AM 19 question.

11 19 05AM 20 Q. Ma'am, at that point did the defendant

11 19 10AM 21 ever say people were free to leave --

11 19 17AM 22 MR. KELLY: Objection. Leading.

11 19 18AM 23 THE COURT: Sustained.

11 19 19AM 24 Q. BY MR. HUGHES: Did the defendant say

11 19 20AM 25 anything at that point about leaving?

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11 19 23AM 1 MR. KELLY: Objection. Leading.
 11 19 24AM 2 THE COURT: Overruled.
 11 19 25AM 3 You may answer that if you can.
 11 19 26AM 4 THE WITNESS: He did not.
 11 19 27AM 5 Q. BY MR. HUGHES: At any point in round 2,
 11 19 28AM 6 did the defendant encourage people to leave if they
 11 19 29AM 7 weren't feeling well?
 11 19 30AM 8 A. You were never encouraged to leave. You
 11 19 31AM 9 were encouraged to stay.
 11 19 32AM 10 Q. At any point in the entire sweat lodge
 11 19 33AM 11 ceremony, did the defendant encourage people to
 11 19 34AM 12 leave if they weren't feeling well?
 11 19 35AM 13 A. Never.
 11 19 36AM 14 Q. Did you see anybody attempt to leave
 11 19 37AM 15 during the intermission between round 2 and the
 11 19 38AM 16 beginning of round 3?
 11 19 39AM 17 A. Yes.
 11 19 40AM 18 Q. Can you tell us what you saw.
 11 19 41AM 19 A. I saw Carlos leave at that time. And
 11 19 42AM 20 that's when he was literally staggering, crawling
 11 19 43AM 21 past us. And we were having to -- a lot of people
 11 19 44AM 22 were lying down. We had to scrunch up so people
 11 19 45AM 23 could pass by.
 11 19 46AM 24 And Carlos is the one that scared me the
 11 19 47AM 25 most because we literally had to grab him because
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11 20 37AM 1 he was staggering back and forth. We didn't want
 11 20 38AM 2 him to fall into pit but to help him to get to the
 11 20 39AM 3 door.
 11 20 40AM 4 Q. Was Carlos on his feet or on his knees?
 11 20 41AM 5 A. On his knees.
 11 20 42AM 6 Q. And can you mark for us the path, as you
 11 20 43AM 7 saw it, that Carlos took inside the sweat lodge.
 11 20 44AM 8 A. He came from back here and went this way.
 11 20 45AM 9 He had to go in front of the people, the front row
 11 20 46AM 10 between the pit and the people.
 11 20 47AM 11 Q. Did you hear the defendant say anything
 11 20 48AM 12 to Carlos as he left the sweat lodge?
 11 20 49AM 13 A. I did not.
 11 20 50AM 14 MR. KELLY: Objection to the form of the
 11 20 51AM 15 question. Lack of foundation.
 11 20 52AM 16 THE COURT: I think it was answered.
 11 20 53AM 17 Overruled.
 11 20 54AM 18 Q. BY MR. HUGHES: Ma'am, I'm sorry. I
 11 20 55AM 19 didn't hear your answer.
 11 20 56AM 20 A. I did not.
 11 20 57AM 21 Q. Did you see anybody else attempt to leave
 11 20 58AM 22 the sweat lodge at the end of round 2?
 11 20 59AM 23 A. I think it was more than one person that
 11 21 00AM 24 left the sweat lodge at the end.
 11 21 01AM 25 Q. Did you hear the defendant say anything
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11 21 48AM 1 to the people who were attempting to leave at that
 11 21 49AM 2 time?
 11 21 50AM 3 MR. KELLY: Your Honor, objection. Lack of
 11 21 51AM 4 foundation, speculative as to what's in my client's
 11 21 52AM 5 mind. Also misstates -- misstates the evidence.
 11 21 53AM 6 They were leaving, not attempting to leave.
 11 21 54AM 7 THE COURT: Sustained on that basis.
 11 21 55AM 8 Q. BY MR. HUGHES: Did you hear Mr. Ray say
 11 21 56AM 9 anything to people who were leaving?
 11 21 57AM 10 MR. KELLY: Your Honor, I object to the form
 11 21 58AM 11 of the question. If she heard anything from my
 11 21 59AM 12 client that's admissible, what he was saying to
 11 22 00AM 13 someone else, there is no foundation.
 11 22 01AM 14 THE COURT: Overruled.
 11 22 02AM 15 You may answer that.
 11 22 03AM 16 THE WITNESS: Yes, I did.
 11 22 04AM 17 Q. BY MR. HUGHES: What did you hear Mr. Ray
 11 22 05AM 18 say?
 11 22 06AM 19 A. He told them if they left, they could
 11 22 07AM 20 come right back in.
 11 22 08AM 21 Q. Did you hear him say anything else?
 11 22 09AM 22 A. You're stronger than this. It's mind
 11 22 10AM 23 over matter. You're stronger than you're body.
 11 22 11AM 24 Q. Could you hear whether Mr. Ray was
 11 22 12AM 25 speaking in a soft voice or a loud voice?
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11 23 04AM 1 A. He had to speak fairly loud because of
 11 23 05AM 2 everybody -- the noises that were going on inside
 11 23 06AM 3 the tent, around the tent. People were moving
 11 23 07AM 4 about. People were trying to lay down. You know,
 11 23 08AM 5 somebody next to you asks somebody how it's going
 11 23 09AM 6 while the break is going on and calling for rocks.
 11 23 10AM 7 There is a lot of other noise going on.
 11 23 11AM 8 Q. Were participants allowed to speak to
 11 23 12AM 9 each other in between rounds?
 11 23 13AM 10 A. Yes.
 11 23 14AM 11 Q. When Mr. Ray said you're better than this
 11 23 15AM 12 or you're stronger than this, did you hear other
 11 23 16AM 13 participants say anything about that subject?
 11 23 17AM 14 A. Yes.
 11 23 18AM 15 Q. Do you recall?
 11 23 19AM 16 A. I recall comments being made from the
 11 23 20AM 17 people that are near me. But, I mean, one, we're
 11 23 21AM 18 trying to pull together or breathe together or we
 11 23 22AM 19 can get through this, hold each other's hands.
 11 23 23AM 20 And -- you know -- there would be a comment like he
 11 23 24AM 21 doesn't know what I'm feeling.
 11 23 25AM 22 Q. What I meant was did you ever hear any of
 11 23 26AM 23 the other participants chime in with you're
 11 23 27AM 24 stronger than that or you're better than that?
 11 23 28AM 25 A. No.
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11:24:41AM 1 Q. Okay. Approximately how long was the
 11:24:49AM 2 break or the interval between the second round and
 11:24:54AM 3 the third round?
 11:25:00AM 4 A. The breaks were no more than five
 11:25:05AM 5 minutes.
 11:25:01AM 6 Q. Who determined how long the breaks were
 11:25:04AM 7 between rounds?
 11:25:05AM 8 A. Mr. Ray.
 11:25:07AM 9 Q. Do you recall how many rocks were brought
 11:25:11AM 10 in in round 3?
 11:25:12AM 11 A. Eight.
 11:25:15AM 12 Q. When the rocks came in in round 3, could
 11:25:18AM 13 you feel a difference in the heat in the area you
 11:25:23AM 14 were seated?
 11:25:24AM 15 A. I didn't wait this time. I just laid
 11:25:28AM 16 down.
 11:25:31AM 17 Q. Could you see whether Mr. Ray was seated
 11:25:34AM 18 up or laying down in round 3?
 11:25:38AM 19 A. I could not.
 11:25:40AM 20 Q. At any point in the sweat lodge ceremony,
 11:25:45AM 21 could you tell whether Mr. Ray was seated or laying
 11:25:48AM 22 down?
 11:25:49AM 23 A. I could.
 11:25:50AM 24 Q. Can you tell us at what point you could
 11:25:52AM 25 make that determination.

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11:25:53AM 1 A. When I moved after the fourth round.
 11:25:57AM 2 Q. Okay. We're moving there, then.
 11:25:59AM 3 A. Okay.
 11:26:05AM 4 Q. Was water dumped on the rocks in round 3?
 11:26:09AM 5 A. It was.
 11:26:10AM 6 Q. And by whom?
 11:26:11AM 7 A. Mr. Ray.
 11:26:12AM 8 Q. Did it appear to you to be a similar
 11:26:14AM 9 amount of water?
 11:26:15AM 10 A. Yes.
 11:26:16AM 11 Q. Do you know what happened to those
 11:26:17AM 12 buckets you told us about after the content was
 11:26:28AM 13 dumped on the rocks?
 11:26:28AM 14 A. The door never opened back up again. The
 11:26:34AM 15 bucket may have just stayed there until the door
 11:26:36AM 16 opened at the end of the round and that bucket got
 11:26:39AM 17 out or a new bucket was brought in. I'm not sure.
 11:26:42AM 18 Q. Did you ever see an accumulation of
 11:26:45AM 19 buckets inside the sweat lodge that were empty?
 11:26:51AM 20 A. No. There was not an accumulation.
 11:27:00AM 21 Q. At any time in round 3 did you try and
 11:27:05AM 22 sit up from your laying down position?
 11:27:05AM 23 A. I did.
 11:27:06AM 24 Q. Can you tell us approximately how long
 11:27:09AM 25 into the round you tried to sit up.

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11:27:11AM 1 A. I was struggling at that time. And I
 11:27:14AM 2 kind of felt that I was making a decision as to
 11:27:17AM 3 whether I was going to stay or go. I sat up, and I
 11:27:20AM 4 knew that I was starting to feel a little bit dizzy
 11:27:24AM 5 in round 3. As we went through the round, I laid
 11:27:27AM 6 there. I was concentrating on my breathing and
 11:27:29AM 7 counting as I was breathing like we were supposed
 11:27:34AM 8 to do.
 11:27:34AM 9 I stopped chanting because it was just
 11:27:35AM 10 way too hard to breathe. And then we had to give
 11:27:39AM 11 our intentions again to -- end of round 3 we had to
 11:27:43AM 12 give intentions to our pouches again. I think it
 11:27:46AM 13 was transformation at that time. And then again
 11:27:51AM 14 I'm stronger than this. I'm stronger than this. I
 11:27:55AM 15 can get through this.
 11:27:55AM 16 Q. What do you mean by "I'm stronger than
 11:27:58AM 17 this"? "I'm stronger than this"?
 11:27:59AM 18 A. Because your breathing is labored. It's
 11:28:01AM 19 difficult to breathe. At least this is my
 11:28:03AM 20 experience. It was difficult to breathe. And
 11:28:04AM 21 you're starting to sweat and you're starting to
 11:28:07AM 22 hurt. You're physically uncomfortable. Everybody
 11:28:11AM 23 is so packed and cramped in next to you, there is
 11:28:16AM 24 not enough room to lay down. It's just an
 11:28:21AM 25 uncomfortable situation.

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11:28:22AM 1 Q. The chanting that you stopped doing --
 11:28:25AM 2 was that occurring at times in the ceremony when
 11:28:30AM 3 Mr. Ray directed it to occur?
 11:28:32AM 4 A. Yes.
 11:28:33AM 5 Q. Did you -- could you observe whether
 11:28:41AM 6 other participants had also made the shift from
 11:28:45AM 7 seated to laying down position?
 11:28:47AM 8 A. I could.
 11:28:47AM 9 Q. What did you see?
 11:28:49AM 10 A. It was just more crowded. At first we
 11:28:52AM 11 were hugging our knees, and we could lean against
 11:28:56AM 12 the people behind us. But when I start to lay
 11:28:59AM 13 down, so had the person behind me. He had actually
 11:29:03AM 14 turned sideways and pointed his nose towards the
 11:29:08AM 15 wall and trying to get air from underneath the tarp
 11:29:11AM 16 and the tent. But I just lay down. And so did --
 11:29:14AM 17 the people next to me were all laying down.
 11:29:16AM 18 Q. As you lay down, which direction did you
 11:29:20AM 19 say your head was? Towards the pit or towards the
 11:29:22AM 20 wall?
 11:29:23AM 21 A. Towards the wall.
 11:29:24AM 22 Q. And how much distance do you recon was
 11:29:28AM 23 between your head and the wall of the sweat lodge?
 11:29:32AM 24 A. About two feet.
 11:29:35AM 25 Q. Could you feel any cool air coming in

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11 29 38AM 1 from underneath the bottom of that sweat lodge
 11 29 42AM 2 wall?
 11 29 42AM 3 **A. Not from the inside row.**
 11 29 42AM 4 **Q.** Could you see any light coming in from
 11 29 42AM 5 the bottom of that sweat lodge wall?
 11 29 54AM 6 **A. I could not.**
 11 30 02AM 7 **Q.** Do you recall whether Mr. Ray said
 11 30 07AM 8 anything else during round 3?
 11 30 12AM 9 **A. Nothing in particular. Just the same**
 11 30 15AM 10 **chanting. You know. You're stronger. He**
 11 30 18AM 11 **encouraged you to stay. Your stronger than this.**
 11 30 22AM 12 **You're stronger. You can do this. That's why I**
 11 30 24AM 13 **keep repeating. Because that's what I heard is I'm**
 11 30 27AM 14 **stronger. I'm stronger. I'm able to do this.**
 11 30 29AM 15 **It's mind over matter, and you can get through**
 11 30 32AM 16 **this.**
 11 30 32AM 17 **Q.** How was Mr. Ray's voice when he was
 11 30 35AM 18 saying those things? Was it quiet or was it loud?
 11 30 38AM 19 **A. I wouldn't say it's loud. I would say**
 11 30 42AM 20 **it's powerful. He's stating a point or stating a**
 11 30 46AM 21 **fact.**
 11 30 47AM 22 **Q.** Did you have to strain your hearing to
 11 30 49AM 23 hear him?
 11 30 50AM 24 **A. No.**
 11 30 51AM 25 **Q.** How long do you think round 3 lasted?
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11 30 55AM 1 **A. Approximately 15 minutes.**
 11 30 58AM 2 **Q.** At the end of round 3 did you see anybody
 11 31 06AM 3 attempt to leave?
 11 31 08AM 4 **A. I know some people left, but I don't know**
 11 31 11AM 5 **exactly who they were.**
 11 31 13AM 6 **Q.** Do you have an estimate as to how many
 11 31 16AM 7 people left at the end of round 3?
 11 31 18AM 8 **A. I do not.**
 11 31 20AM 9 **Q.** As the people left the end of round 3,
 11 31 25AM 10 did you hear Mr. Ray say anything?
 11 31 28AM 11 **A. He always told people that their choice**
 11 31 33AM 12 **to leave is -- they could always choose to come**
 11 31 38AM 13 **back in.**
 11 31 38AM 14 **Q.** Did he say anything else?
 11 31 39AM 15 **A. At the end of round 3 I was actually**
 11 31 47AM 16 **doing a lot of concentrating on myself as well. I**
 11 31 49AM 17 **may not have been paying so much attention to what**
 11 31 52AM 18 **the others were doing or what exactly Mr. Ray was**
 11 31 54AM 19 **doing. I was trying to breathe.**
 11 31 56AM 20 **I also had made a decision that I was**
 11 31 59AM 21 **strong enough to do one more round and then I was**
 11 32 03AM 22 **going to get out. At that point in time I was**
 11 32 07AM 23 **making my decision. I was struggling with that**
 11 32 09AM 24 **decision, but I was making that decision.**
 11 32 09AM 25 **Q.** At that point were you fixated on the
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11 32 13AM 1 thought that you will be leaving soon?
 11 32 15AM 2 **A. Yes.**
 11 32 18AM 3 **Q.** Did you hear anyone say you're stronger
 11 32 28AM 4 than that at the end of round 3?
 11 32 28AM 5 **A. Well, you're just encouraged. You're**
 11 32 34AM 6 **stronger than this. No one is using the word**
 11 32 37AM 7 **"stay." But you're stronger than this. It's mind**
 11 32 39AM 8 **over matter. You can do this. You can endure**
 11 32 42AM 9 **this. You can do this.**
 11 32 43AM 10 **Q.** Who is saying that?
 11 32 44AM 11 **A. Mr. Ray.**
 11 32 48AM 12 **Q.** Do you know how long the portal or the
 11 32 50AM 13 door was open between round 3 and 4?
 11 32 52AM 14 **A. Again, anywhere from three to five**
 11 32 55AM 15 **minutes. It wasn't a long time.**
 11 33 01AM 16 **Q.** Do you know how many rocks got brought in
 11 33 03AM 17 at the beginning of round 4?
 11 33 06AM 18 **A. I do.**
 11 33 06AM 19 **Q.** How many?
 11 33 08AM 20 **A. Six.**
 11 33 12AM 21 **Q.** Did Mr. Ray specify the number of rocks
 11 33 15AM 22 to come in?
 11 33 15AM 23 **A. He did.**
 11 33 20AM 24 **Q.** Was more water poured on the pit?
 11 33 23AM 25 **A. Yes.**
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11 33 24AM 1 **Q.** By whom?
 11 33 25AM 2 **A. Mr. Ray.**
 11 33 29AM 3 **Q.** Can you tell us what the heat and the
 11 33 33AM 4 humidity conditions felt like in the area you were
 11 33 37AM 5 in inside the sweat lodge in round 4.
 11 33 41AM 6 **A. There is no relief. It just was**
 11 33 48AM 7 **sweltering by that time. There is no relief.**
 11 33 48AM 8 **There is no fresh air whether the door is open or**
 11 33 51AM 9 **not. You just couldn't -- and by that time you**
 11 33 54AM 10 **couldn't really sit up.**
 11 33 56AM 11 **I sat up and I got dizzy to where I was**
 11 34 00AM 12 **concerned about myself actually having enough**
 11 34 03AM 13 **strength to physically crawl out.**
 11 34 08AM 14 **Q.** How did your stomach feel?
 11 34 11AM 15 **A. My stomach was actually okay.**
 11 34 13AM 16 **Q.** You mentioned there was no relief. When
 11 34 16AM 17 the door was open between round 3 and 4, could you
 11 34 19AM 18 feel fresh air in the area you were seated in?
 11 34 22AM 19 **A. I could not.**
 11 34 30AM 20 **Q.** What did you do, then, when round 4
 11 34 38AM 21 ended?
 11 34 38AM 22 **A. I got to my knees and I moved towards the**
 11 34 46AM 23 **door to leave.**
 11 34 48AM 24 **Q.** And how did you move towards the door?
 11 34 52AM 25 Were you on your knees?
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11:34:53AM 1 **A. On my hands and my knees.**
 11:34:56AM 2 **Q. And do you recall whether the defendant**
 11:35:00AM 3 **said anything to you as you were crawling towards**
 11:35:03AM 4 **the door?**
 11:35:06AM 5 **A. I do.**
 11:35:09AM 6 **Q. What did Mr. Ray say to you as you did**
 11:35:12AM 7 **that?**
 11:35:15AM 8 **A. He said, Beverley, especially you are**
 11:35:18AM 9 **stronger than this and you know you can get through**
 11:35:21AM 10 **this. You can endure this. It's mind over matter.**
 11:35:24AM 11 **Q. How far away were you from him when he**
 11:35:27AM 12 **told you that?**
 11:35:30AM 13 **A. Right in front of him. Because I had to**
 11:35:33AM 14 **crawl towards the door where he was seated. So**
 11:35:36AM 15 **when I got to the door, that's when he said that.**
 11:35:39AM 16 **Q. Was there anyone seated between Mr. Ray**
 11:35:42AM 17 **and the door?**
 11:35:45AM 18 **A. No.**
 11:35:48AM 19 **Q. Could you see the light outside at that**
 11:35:51AM 20 **point?**
 11:35:54AM 21 **A. Yes.**
 11:35:57AM 22 **Q. And what did you do when Mr. Ray told you**
 11:36:00AM 23 **that?**
 11:36:03AM 24 **A. I made a decision to stay, and I crawled**
 11:36:06AM 25 **to the west side of the tent.**

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11:35:58AM 1 **Q. Would you tell us why you made the**
 11:36:01AM 2 **decision to stay.**
 11:36:04AM 3 **A. I felt that I had a lot of stuff I was**
 11:36:07AM 4 **dealing with and trying to get over. Maybe it**
 11:36:10AM 5 **would take a little bit more to get through it.**
 11:36:13AM 6 **Mr. Ray obviously knows better than I do --**
 11:36:16AM 7 **Q. I'm sorry. Go ahead.**
 11:36:19AM 8 **A. Having been through these sweat lodges**
 11:36:22AM 9 **before. And I specifically was working with**
 11:36:25AM 10 **Mr. Ray throughout the whole entire week. Maybe he**
 11:36:28AM 11 **knew I needed a little more help or needed to stay**
 11:36:31AM 12 **there a little bit longer. I also didn't want to**
 11:36:34AM 13 **let him down.**
 11:36:37AM 14 **Q. Did you believe him when he said you're**
 11:36:40AM 15 **stronger than that?**
 11:36:43AM 16 **A. Yes, I did.**
 11:36:46AM 17 **Q. Can you mark for us, if you would, on the**
 11:36:49AM 18 **chart the location where you crawled to at the end**
 11:36:52AM 19 **of that round.**
 11:36:55AM 20 **A. Where I ended up?**
 11:36:58AM 21 **Q. Why don't you do this: Why don't you**
 11:37:01AM 22 **show us where you started from, where you had the**
 11:37:04AM 23 **conversation with Mr. Ray and then where you ended**
 11:37:07AM 24 **up.**
 11:37:10AM 25 **A. Okay. I started from approximately here.**

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11:37:28AM 1 **And then I crawled to here. This is where I had**
 11:37:31AM 2 **the conversation with Mr. Ray. And then I crawled**
 11:37:34AM 3 **to about here where I was trying to squeeze in**
 11:37:37AM 4 **between some people. So I was right in this area.**
 11:37:40AM 5 **Q. Were there one or two rows of people in**
 11:37:43AM 6 **that location?**
 11:37:46AM 7 **A. Two.**
 11:37:49AM 8 **Q. Were you in the row closest to the sweat**
 11:37:52AM 9 **lodge wall or to the pit?**
 11:37:55AM 10 **A. The pit again.**
 11:37:58AM 11 **Q. Could you feel any difference in the**
 11:38:01AM 12 **temperature at the location you wound up at as**
 11:38:04AM 13 **opposed to the location you started at?**
 11:38:07AM 14 **A. Definitely.**
 11:38:10AM 15 **Q. Please describe for the jury the**
 11:38:13AM 16 **differences that you noted in the temperature of**
 11:38:16AM 17 **the atmosphere inside?**
 11:38:19AM 18 **A. I can't quantify the degrees of**
 11:38:22AM 19 **temperature. It's just when the door actually or**
 11:38:25AM 20 **the flap was open between the rounds, fresh air**
 11:38:28AM 21 **would actually come into the tent and you could**
 11:38:31AM 22 **actually breathe. You actually got fresh air,**
 11:38:34AM 23 **which also helped to cool you down a little bit and**
 11:38:37AM 24 **also to kind of set your mind at ease that you're**
 11:38:40AM 25 **actually getting air. It was cooler than what**

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11:38:52AM 1 **you'd been breathing.**
 11:38:55AM 2 **Q. Could you feel a difference in the steam**
 11:38:58AM 3 **that you've talked about earlier in the location**
 11:39:01AM 4 **you wound up at as opposed to the location you**
 11:39:04AM 5 **started at?**
 11:39:07AM 6 **A. I would say not a significant difference**
 11:39:10AM 7 **in the amount of steam. It's just that air was**
 11:39:13AM 8 **able to come in between the rounds was significant**
 11:39:16AM 9 **to me.**
 11:39:19AM 10 **Q. Did the air that came in between rounds**
 11:39:22AM 11 **appear to push away the hot air or the steam in the**
 11:39:25AM 12 **location you wound up at?**
 11:39:28AM 13 **MR. KELLY: Your Honor, object to the form of**
 11:39:31AM 14 **that question.**
 11:39:34AM 15 **THE COURT: Sustained.**
 11:39:37AM 16 **Q. BY MR. HUGHES: Could you notice -- did**
 11:39:40AM 17 **you observe the air temperature or the amount of**
 11:39:43AM 18 **steam in the air changing when the flap was open?**
 11:39:46AM 19 **A. I did.**
 11:39:49AM 20 **Q. Do you know how long the -- was it**
 11:40:02AM 21 **round 4 that you moved from the first location to**
 11:40:05AM 22 **the second location at the end?**
 11:40:08AM 23 **A. It was the end of round 4. Yes.**
 11:40:11AM 24 **Q. And how long was the portal open between**
 11:40:14AM 25 **round 4 and round 5?**

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11:40:16AM 1 **A. Five minutes.**

11:40:18AM 2 **Q. And who controlled the length of time the**

11:40:22AM 3 **portal was open?**

11:40:24AM 4 **A. Mr. Ray.**

11:40:26AM 5 **Q. Did you hear Mr. Ray say anything as**

11:40:31AM 6 **round 5 progressed?**

11:40:35AM 7 **A. There is several things that happened in**

11:40:47AM 8 **round 5.**

11:40:48AM 9 **Q. Okay. Let me ask you, did you at some**

11:40:50AM 10 **point in round 5 see some light inside the sweat**

11:40:54AM 11 **lodge?**

11:40:54AM 12 **A. I did.**

11:40:54AM 13 **Q. Can you point for us on the chart, if you**

11:40:58AM 14 **can, where the light emanated from or the region it**

11:41:03AM 15 **emanated from.**

11:41:03AM 16 **A. Can you move the picture?**

11:41:11AM 17 **Q. Does that help?**

11:41:12AM 18 **A. Yes. There is a gentleman at the back.**

11:41:18AM 19 **The reason I say that, that's where the light was**

11:41:22AM 20 **coming up. He started yelling, I can't take it. I**

11:41:24AM 21 **can't take it. I have to get out of here. I can't**

11:41:27AM 22 **take it anymore.**

11:41:28AM 23 **And he lifted up the back of the tent**

11:41:31AM 24 **flap, and supposedly he got out. Mr. Ray seemed**

11:41:34AM 25 **confused about it. He said, where is the light**

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11:41:37AM 1 **coming from? Where is the light coming from?**

11:41:40AM 2 **At that point in time someone said that**

11:41:43AM 3 **the flap is up at the back. And I don't know if**

11:41:45AM 4 **somebody thought there was a flashlight or**

11:41:47AM 5 **something. I'm not sure.**

11:41:48AM 6 **He said what was going on? And somebody**

11:41:50AM 7 **just went out the back of the tent. And then**

11:41:53AM 8 **Mr. Ray pokes his head out the door and said, close**

11:41:57AM 9 **the back of the tent.**

11:41:58AM 10 **And then he also started reprimanding**

11:42:02AM 11 **everyone that that was a sacrilegious act. You**

11:42:06AM 12 **know that you're supposed to come and go from this**

11:42:08AM 13 **door when this door is open and only when this door**

11:42:10AM 14 **is open. And you must exit and enter the tent only**

11:42:15AM 15 **through this door and go in a clockwise direction.**

11:42:18AM 16 **Those were specific directions that were yelled out**

11:42:22AM 17 **to us at that time.**

11:42:22AM 18 **Q. How did that make you feel?**

11:42:24AM 19 **A. That I pretty much knew what the rules**

11:42:26AM 20 **were at that time.**

11:42:30AM 21 **Q. Had Mr. Ray previously in the week**

11:42:31AM 22 **expressed his opinions to the participants about**

11:42:31AM 23 **breaking the rules?**

11:42:43AM 24 **A. Yes.**

11:42:43AM 25 **Q. What did he say?**

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11:42:48AM 1 **MR. KELLY: Your Honor, objection. Relevance,**

11:42:48AM 2 **lack of foundation.**

11:42:50AM 3 **THE COURT: As to foundation, sustained.**

11:42:54AM 4 **Q. BY MR. HUGHES: Doctor, can you tell us**

11:42:56AM 5 **when previously in the week Mr. Ray had expressed**

11:43:01AM 6 **his opinion about the breaking of his rules.**

11:43:05AM 7 **A. There was --**

11:43:07AM 8 **MR. KELLY: Objection. Foundation. Numerous**

11:43:12AM 9 **games with rules.**

11:43:15AM 10 **THE COURT: Overruled.**

11:43:16AM 11 **You may answer that.**

11:43:18AM 12 **THE WITNESS: There was a young girl from**

11:43:22AM 13 **Thailand, I think she was from. And she didn't go**

11:43:25AM 14 **to --**

11:43:28AM 15 **MR. KELLY: Your Honor, objection.**

11:43:29AM 16 **Nonresponsive.**

11:43:34AM 17 **THE COURT: The question was when previously**

11:43:37AM 18 **in the week.**

11:43:37AM 19 **So, Mr. Hughes, phrase a question that**

11:43:43AM 20 **would frame foundation.**

11:43:44AM 21 **MR. HUGHES: Thank you.**

11:43:45AM 22 **Q. Doctor, do you recall an incident in the**

11:43:51AM 23 **week involving someone missing yoga?**

11:43:55AM 24 **A. Yes. There was a young lady from**

11:43:57AM 25 **Thailand.**

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11:43:57AM 1 **Q. When in the week did that incident take**

11:44:00AM 2 **place?**

11:44:00AM 3 **A. Tuesday.**

11:44:05AM 4 **Q. And was it in the morning, the afternoon**

11:44:07AM 5 **or the evening?**

11:44:09AM 6 **A. It was in the morning.**

11:44:11AM 7 **Q. And what do you recall Mr. Ray saying on**

11:44:15AM 8 **that occasion about someone breaking his rule?**

11:44:22AM 9 **A. She stood up to share --**

11:44:28AM 10 **MR. KELLY: Your Honor, objection. I object**

11:44:33AM 11 **to the form of the question, the relevance and this**

11:44:37AM 12 **hearsay response.**

11:44:40AM 13 **THE COURT: The question had to do with what**

11:44:42AM 14 **Mr. Ray had said. It's overruled. But the**

11:44:48AM 15 **question needs to be answered, Mr. Hughes.**

11:44:53AM 16 **Q. BY MR. HUGHES: The question was what did**

11:44:57AM 17 **Mr. Ray say about the breaking of his rule?**

11:45:01AM 18 **A. Mr. Ray called her out when she was**

11:45:04AM 19 **asking for help and to speak with her in front of**

11:45:08AM 20 **all of us, explained to her what she had done**

11:45:11AM 21 **wrong, that she had not gone to yoga that morning,**

11:45:15AM 22 **that she was not participating and she wasn't**

11:45:19AM 23 **playing full on. Does she really want help? Does**

11:45:21AM 24 **she really deserve to be here? Because she wasn't**

11:45:25AM 25 **playing by the rules.**

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11:45:26AM 1 Q. Did it appear that going to yoga --

11:45:29AM 2 MR. KELLY: Your Honor, object on the basis of

11:45:32AM 3 relevance and ask that the question and answer be

11:45:35AM 4 stricken.

11:45:37AM 5 THE COURT: Overruled as to the last question

11:45:40AM 6 and answer. Mr. Hughes didn't complete the

11:45:43AM 7 question.

11:45:46AM 8 MR. KELLY: I'm sorry. The question prior and

11:45:49AM 9 the answer prior.

11:45:52AM 10 THE COURT: Right. Overruled as to that

11:45:55AM 11 prior. And then there is -- there was a start of a

11:45:58AM 12 question, I believe.

11:46:01AM 13 Q. BY MR. HUGHES: Did going to yoga -- was

11:46:04AM 14 that a mandatory activity?

11:46:07AM 15 MR. KELLY: Your Honor, objection. Lack of

11:46:10AM 16 foundation. Ask it be rephrased. Form of the

11:46:13AM 17 question and lack of foundation.

11:46:16AM 18 THE COURT: If the question can be answered

11:46:19AM 19 yes or no, it may be. If it can't be answered that

11:46:22AM 20 way, the witness can say it can't.

11:46:25AM 21 You may answer if you're able to.

11:46:28AM 22 THE WITNESS: Can you repeat the question.

11:46:31AM 23 Q. BY MR. HUGHES: Was attending yoga a

11:46:34AM 24 mandatory activity?

11:46:37AM 25 MR. KELLY: Your Honor --

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11:46:29AM 1 Excuse me, ma'am.

11:46:31AM 2 May we approach? It's a lack of

11:46:34AM 3 foundation. We have participants who didn't go,

11:46:37AM 4 not directed to this witness.

11:46:40AM 5 THE COURT: With regard to the form, the

11:46:43AM 6 characterization, sustained on that basis.

11:46:46AM 7 Mr. Hughes.

11:46:49AM 8 Q. BY MR. HUGHES: Did Mr. Ray provide

11:46:52AM 9 you -- did Mr. Ray say anything that led you to

11:46:55AM 10 believe that yoga was a mandatory activity?

11:46:58AM 11 A. Yes, he did.

11:47:01AM 12 Q. What did he say?

11:47:04AM 13 A. We had to participate in everything there

11:47:07AM 14 was, to play full on, to get out of this week what

11:47:10AM 15 he had in store for us.

11:47:13AM 16 Q. Did you take that statement by Mr. Ray to

11:47:16AM 17 heart while you were inside the sweat lodge?

11:47:19AM 18 MR. KELLY: Objection. Relevance, Judge.

11:47:22AM 19 THE COURT: Sustained as to the form of the

11:47:25AM 20 question. Has a leading aspect as well.

11:47:28AM 21 Sustained.

11:47:31AM 22 Q. BY MR. HUGHES: Did anything Mr. Ray say

11:47:34AM 23 pertain to your decision to stay or to leave the

11:47:37AM 24 sweat lodge?

11:47:40AM 25 MR. KELLY: Your Honor, objection. Relevance.

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11:48:03AM 1 THE COURT: Overruled.

11:48:06AM 2 THE WITNESS: Yes.

11:48:09AM 3 Q. BY MR. HUGHES: Can you tell us what he

11:48:12AM 4 said that pertained to that decision.

11:48:15AM 5 A. Because of the statement I previously

11:48:18AM 6 stated. He said my name, specifically told me that

11:48:21AM 7 I was stronger than this and that I could push

11:48:24AM 8 through this.

11:48:27AM 9 Q. When you moved to the new location inside

11:48:30AM 10 the sweat lodge, can you point out if you know who

11:48:33AM 11 the people were who were seated around you?

11:48:36AM 12 A. Greg was actually on -- Greg was on my

11:48:39AM 13 left. There was a lady -- I don't recall her

11:48:42AM 14 name -- on my right. And Jeanne was behind me.

11:48:45AM 15 Q. And would you point out those locations

11:48:48AM 16 on the chart.

11:48:51AM 17 A. I'm right here. Greg is right here.

11:48:54AM 18 Jeanne's right here. And the lady who I don't

11:48:57AM 19 recall her name is right here.

11:49:00AM 20 Q. Do you know what Greg's last name was?

11:49:03AM 21 A. He was part of James Ray's -- Larson

11:49:06AM 22 something. I don't recall exactly what it is.

11:49:09AM 23 Q. Do you know whether --

11:49:12AM 24 A. Hartle. I'm sorry.

11:49:15AM 25 Q. Do you know whether Mr. Hartle was a

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11:49:48AM 1 member of the Dream Team?

11:49:51AM 2 A. No. He was there as a participant.

11:50:00AM 3 Q. Did you observe anything about Greg

11:50:08AM 4 during that fifth round?

11:50:11AM 5 A. The fifth round is -- the fifth round he

11:50:20AM 6 starts struggling a little bit, and he asked if he

11:50:24AM 7 could trade places with Jeanne. Because when

11:50:30AM 8 you're more to the outside -- I don't know if they

11:50:32AM 9 had previously switched. He knew when he was

11:50:34AM 10 closer --

11:50:35AM 11 MR. KELLY: Objection.

11:50:38AM 12 THE WITNESS: -- outside that he could get --

11:50:40AM 13 MR. KELLY: Object as to speculation as to

11:50:43AM 14 this other individual's state of mind. Ask it be

11:50:45AM 15 stricken.

11:50:48AM 16 THE COURT: Sustained.

11:50:51AM 17 Q. BY MR. HUGHES: Did you hear Greg ask to

11:50:53AM 18 switch places?

11:50:54AM 19 A. I did.

11:50:55AM 20 Q. And to whom did he ask to switch places?

11:50:58AM 21 A. Jeanne.

11:50:58AM 22 Q. And you've indicated both of their

11:51:01AM 23 original positions on the chart. Can you point out

11:51:03AM 24 where they wound up after they switched places.

11:51:12AM 25 A. Jeanne moved here and Greg moved here.

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11 51 19AM 1 Q. Okay. Do you recall how long the fifth
 11 51 22AM 2 round lasted?
 11 51 23AM 3 A. They're all approximately 15 minutes with
 11 51 24AM 4 the exception of the first round.
 11 51 25AM 5 Q. Do you recall anything else out of the
 11 51 41AM 6 ordinary in round 5?
 11 51 43AM 7 A. Other than a man asked how he could
 11 51 55AM 8 relieve himself. And I guess he had to urinate.
 11 52 00AM 9 He was told just to do it right there.
 11 52 02AM 10 Q. Did you hear where the voice was coming
 11 52 05AM 11 from from the man, what part of the sweat lodge?
 11 52 08AM 12 A. Approximately in here.
 11 52 10AM 13 Q. And do you recall who responded to that
 11 52 15AM 14 voice?
 11 52 15AM 15 A. Mr. Ray.
 11 52 16AM 16 Q. And what did Mr. Ray say?
 11 52 18AM 17 A. Do what you can do where you're at.
 11 52 24AM 18 Q. When the round ended, do you recall how
 11 52 32AM 19 long the portal was open?
 11 52 36AM 20 A. End of round 5?
 11 52 38AM 21 Q. Yes.
 11 52 40AM 22 A. Approximately five minutes.
 11 52 41AM 23 Q. And do you recall whether anybody
 11 52 45AM 24 attempted to leave at the end of round 5?
 11 52 48AM 25 A. I do recall some people leaving. And
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11 53 53AM 1 then there was some people coming back in. Towards
 11 53 03AM 2 the end of round 5, there was some screaming going
 11 53 06AM 3 on because Lou -- and I don't know his last name --
 11 53 17AM 4 was walking into the pit.
 11 53 18AM 5 Q. And you believe that happened toward the
 11 53 21AM 6 end of round 5?
 11 53 23AM 7 A. Towards the end of round 5.
 11 53 25AM 8 Q. And you said there is some screaming.
 11 53 27AM 9 Can you tell us what you heard.
 11 53 28AM 10 A. People were -- people were screaming his
 11 53 31AM 11 name. They were laying Lou, Lou, Lou, Lou. And
 11 53 35AM 12 they were screaming -- you kind of tried to look
 11 53 37AM 13 across there, but you couldn't see. I knew it was
 11 53 38AM 14 on the other side of the pit at that point in time.
 11 53 43AM 15 And I could hear them.
 11 53 44AM 16 Q. Can you point out for us -- and I'll put
 11 53 47AM 17 a new color up here. Can you point out for us
 11 53 50AM 18 where approximately you heard that incident take
 11 53 52AM 19 place.
 11 53 52AM 20 A. He's walking into the pit from right in
 11 53 55AM 21 this area.
 11 54 01AM 22 Q. Did you ever hear Lou scream?
 11 54 01AM 23 A. I did not.
 11 54 05AM 24 Q. Did you ever see whether Lou was injured
 11 54 13AM 25 from that walking into the pit?
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11 54 17AM 1 A. When I left the sweat lodge.
 11 54 20AM 2 Q. And I know I've been going round by
 11 54 22AM 3 round. But since we're talking about Lou, at some
 11 54 26AM 4 point when the ceremony ended, did you see Lou
 11 54 31AM 5 outside the sweat lodge?
 11 54 32AM 6 A. He was standing outside the sweat lodge,
 11 54 34AM 7 when I was coming out the door, with his arm like
 11 54 38AM 8 this.
 11 54 38AM 9 Q. How far from the entrance was he
 11 54 40AM 10 standing?
 11 54 40AM 11 A. He was standing right at the entrance.
 11 54 44AM 12 Right there.
 11 54 44AM 13 Q. And did you see Lou's arm?
 11 54 51AM 14 A. Yes.
 11 54 52AM 15 Q. What did you see?
 11 54 53AM 16 A. White. It was just white. There was --
 11 54 58AM 17 I know -- I don't know if it was burned or what.
 11 55 01AM 18 It was just white skin.
 11 55 04AM 19 Q. Did you hear the defendant say anything
 11 55 07AM 20 to Lou about his arm?
 11 55 08AM 21 A. I did not.
 11 55 14AM 22 Q. Do you recall how many rocks were brought
 11 55 17AM 23 in during the beginning of the sixth round?
 11 55 21AM 24 A. I stopped counting the rocks. I was
 11 55 25AM 25 really concentrating on my breath.
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11 55 28AM 1 Q. What do you mean concentrating on your
 11 55 31AM 2 breath?
 11 55 33AM 3 A. I found a way once I moved to the other
 11 55 36AM 4 side that I could actually calm down and I could
 11 55 39AM 5 actually feel a little bit better when the door was
 11 55 42AM 6 open. So when the door closed, I actually went
 11 55 45AM 7 into a really concentrated breathing. I would
 11 55 48AM 8 count my breaths in and out so I could have a
 11 55 53AM 9 rhythm. So I knew I was pacing myself to actually
 11 55 55AM 10 get through at that point in time.
 11 56 00AM 11 MR. HUGHES: Your Honor, would this be a good
 11 56 01AM 12 time to stop?
 11 56 02AM 13 THE COURT: Yes. We can do that. Thank you,
 11 56 04AM 14 Mr. Hughes.
 11 56 05AM 15 Ladies and gentlemen, we'll take the noon
 11 56 08AM 16 recess. Remember the admonition.
 11 56 08AM 17 Dr. Bunn, remember the rule of exclusion
 11 56 11AM 18 I talked to you briefly about.
 11 56 13AM 19 Everyone please be reassembled at 1:30.
 11 56 16AM 20 We'll start as soon as we can after that.
 11 56 19AM 21 We are in recess.
 11 56 19AM 22 (Recess.)
 11 56 19AM 23 (Proceedings continued outside presence
 11 56 19AM 24 of jury.)
 01 38 00PM 25 THE COURT: The record will show the presence
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01:36:03PM 1 of the defendant, Mr. Ray; the attorneys, not the
01:36:04PM 2 jury.

01:36:04PM 3 And I just need to make a record, very
01:36:05PM 4 brief. And that is the attorneys will not receive
01:36:13PM 5 realtime at this point. Court administration is
01:36:15PM 6 looking into some things.

01:36:15PM 7 I did want to confirm, Mr. Hughes,
01:36:17PM 8 Mr. Poke, the state had been offered this. Is that
01:36:20PM 9 correct?

01:36:20PM 10 MR. HUGHES: Yes.

01:36:22PM 11 THE COURT: I wanted to confirm that. As soon
01:36:24PM 12 as I get word from court administration, I will let
01:36:27PM 13 everyone know.

01:36:28PM 14 MR. KELLY: Judge, I have two issues, or one
01:36:33PM 15 comment and an issue. In regard to the realtime,
01:36:37PM 16 Judge, we object. We believe that that interferes
01:36:40PM 17 with our ability to represent our client. We have
01:36:43PM 18 the right if we have the equipment -- the
01:36:46PM 19 opportunity for realtime was provided to both
01:36:49PM 20 parties. We have no objection to the state having
01:36:51PM 21 realtime as well.

01:36:53PM 22 And so I guess I simply don't understand
01:36:57PM 23 the administrative order.

01:36:59PM 24 THE COURT: To avoid any additional issues,
01:37:02PM 25 Mr. Hughes and Ms. Polk, do you object at least

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01:37:05PM 1 through today having it continue status quo?

01:37:09PM 2 MR. HUGHES: No. We were aware the defendant
01:37:11PM 3 had it. We don't have an opposition -- the court
01:37:14PM 4 reporter informed us that it was available to the
01:37:16PM 5 state on a daily basis if we want to ask her for
01:37:19PM 6 it. And we've been aware of that.

01:37:21PM 7 We don't have any problem with the
01:37:22PM 8 defendant receiving realtime as long as they work
01:37:26PM 9 out whatever necessary arrangements they need to
01:37:29PM 10 work out. It's not an objection coming from the
01:37:32PM 11 state. I've known certainly since the testimony
01:37:35PM 12 started. I don't know if it was going on while the
01:37:37PM 13 jury selection went on that the defense had that.

01:37:40PM 14 THE COURT: It's going to continue for today.
01:37:42PM 15 It will get straightened out.

01:37:43PM 16 Mr. Kelly.

01:38:25PM 17 MR. KELLY: Judge, if this is the appropriate
01:38:28PM 18 time out of the presence of the jury, this relates
01:38:31PM 19 to the witness testimony.

01:38:32PM 20 THE COURT: Okay.

01:38:34PM 21 MR. KELLY: During the break I was visiting
01:38:39PM 22 with Mr. Hughes about how long he anticipated the
01:38:41PM 23 remainder of his examination to be. And he kind of
01:38:45PM 24 gave me an outline of where he was going in that
01:38:45PM 25 regard. And it ends with apparently -- and I'm

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01:38:48PM 1 going to have to ask him to clarify because I'm
01:38:51PM 2 unaware of this information. So if I summonize it
01:38:55PM 3 wrong, I apologize in advance.

01:38:57PM 4 But, essentially, the way I understand it
01:38:59PM 5 is after the incident on October 8, sometime later,
01:40:07PM 6 apparently there was a conference call of some
01:40:09PM 7 type. During the conference call many people were
01:40:14PM 8 participating, one of whom was my client, James
01:40:17PM 9 Ray. And statements were made during that
01:40:20PM 10 particular conference call.

01:40:22PM 11 Detective Diskin indicated that through
01:40:24PM 12 some internet research he had seen a transcript of
01:40:28PM 13 some of the statements made during that conference.
01:40:33PM 14 And I believe it was a telephonic conference
01:40:35PM 15 amongst various members who may have participated.
01:40:38PM 16 That's as much as I know, Judge.

01:40:41PM 17 We would object to the inclusion of that
01:40:43PM 18 evidence during this trial, Judge. And I point you
01:40:48PM 19 again to Rule 15.1(b)(1)(2). It's required all
01:40:53PM 20 statements of the defendant and any person who will
01:40:57PM 21 be tried with the defendant. And this was never
01:40:58PM 22 disclosed.

01:41:01PM 23 THE COURT: Mr. Hughes.

01:41:03PM 24 MR. HUGHES: Your Honor, I didn't give an
01:41:05PM 25 outline. Mr. Kelly specifically asked me if I was

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01:41:08PM 1 going to go into the conference call. And I told
01:41:10PM 2 him I was going to ask about the conference call.

01:41:13PM 3 He asked me the statements of Mr. Ray
01:41:15PM 4 that I thought would be relevant from the
01:41:17PM 5 conference call. And I told him words to the
01:41:20PM 6 effect of don't talk to people outside the James
01:41:23PM 7 Ray organization.

01:41:25PM 8 Your Honor, in the defendant's own
01:41:28PM 9 exhibit, Defendant's Exhibit 617, which is the
01:41:30PM 10 defendant's purported transcript of Ms. Bunn's
01:41:33PM 11 interview by a Detective Willingham, right in there
01:41:38PM 12 Willingham is asking about the conference call.

01:41:41PM 13 And it says something like -- it says, I
01:41:46PM 14 feel bad because I'm not saying anything, and so
01:41:49PM 15 I'm just getting to a point where I have to talk.
01:41:52PM 16 I have to say -- because on that conference call
01:41:54PM 17 yesterday, it's kind of like -- you know -- they
01:41:57PM 18 only want you to talk to people that are within the
01:41:58PM 19 organization.

01:42:00PM 20 THE COURT: Who is making that statement?

01:42:03PM 21 MR. HUGHES: That's Ms. Bunn in a recorded
01:42:05PM 22 interview back in October of '09 the defense has
01:42:08PM 23 had for probably a year or more. And I'm reading
01:42:12PM 24 from the defendant's own transcript of that
01:42:13PM 25 interview that they prepared and provided to us, I

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01 42 16PM 1 believe, on the first or second day of trial.

01 42 18PM 2 MR. KELLY: Judge, that's not my objection. I

01 42 22PM 3 know where he got the statement and the transcript.

01 42 24PM 4 Again, what I heard during the break -- and if I

01 42 26PM 5 misunderstand -- is Detective Diskin was referring

01 42 28PM 6 to a transcript that he reviewed on the internet.

01 42 32PM 7 And it was much more expansive and included

01 42 35PM 8 statements from my client. That's Ms. Bunn's

01 42 40PM 9 statement.

01 42 40PM 10 MR. HUGHES: Detective Diskin indicated he had

01 42 43PM 11 seen on some website what purported to be a

01 42 46PM 12 transcript of the conference call. He says he

01 42 48PM 13 doesn't know who prepared the transcript or if the

01 42 51PM 14 foundation for it is accurate. We don't have that

01 42 54PM 15 transcript. I don't intend to offer something off

01 42 57PM 16 of the internet, Your Honor, that I don't know who

01 42 59PM 17 the prepared or the foundation. What I intended to

01 43 02PM 18 ask Ms. Bunn about is the statement in her recorded

01 43 05PM 19 interview.

01 43 06PM 20 MR. KELLY: I can make this real simple,

01 43 08PM 21 Judge. The objection is if it is purportedly a

01 43 12PM 22 statement from my client, I would object. That's

01 43 15PM 23 not what that transcript said. If she's going to

01 43 18PM 24 talk about what they said, that's hearsay. If she

01 43 22PM 25 wants to talk about her state of mind, different

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01 43 25PM 1 story.

01 43 25PM 2 THE COURT: What I'm hearing is there is -- is

01 43 32PM 3 there any directed admission there, arguably, the

01 43 38PM 4 statement by Mr. Ray?

01 43 39PM 5 MR. HUGHES: Your Honor, there is no direct

01 43 41PM 6 admission. But it is the defendant telling

01 43 44PM 7 witnesses not to talk to people outside of his

01 43 47PM 8 organization about what happened.

01 43 48PM 9 THE COURT: Do you believe that's something

01 43 50PM 10 that Dr. Bunn has of her own knowledge?

01 43 54PM 11 MR. HUGHES: Yes, Your Honor. Because it's

01 43 55PM 12 right here in her transcript.

01 43 57PM 13 MR. LI: May I ask what page?

01 43 59PM 14 MR. HUGHES: Page 3 of the transcript, which

01 44 02PM 15 is not admitted, but it's been marked as

01 44 05PM 16 Exhibit 617.

01 44 05PM 17 Ms. Bunn doesn't clarify in there who

01 44 08PM 18 made that statement. It's my understanding that

01 44 11PM 19 she will say that that statement or that impression

01 44 14PM 20 of not talking outside the organization was given

01 44 18PM 21 to her, the other people on this conference call,

01 44 20PM 22 from the context of what Mr. Ray was saying.

01 44 25PM 23 Your Honor, if a defendant is telling

01 44 27PM 24 witnesses don't talk to anybody else, that's

01 44 29PM 25 relevant. It's evidence, basically, under the

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01 44 31PM 1 flight instruction.

01 44 34PM 2 MR. KELLY: Judge, therein lies the problem.

01 44 37PM 3 This transcript does not say it's a statement of my

01 44 38PM 4 client. It refers to "they" in a conference call.

01 44 42PM 5 We're absolutely aware of that.

01 44 45PM 6 THE COURT: That would be hearsay. It would

01 44 47PM 7 not come in unless -- it would have to be a direct,

01 44 51PM 8 personal-knowledge statement kind of situation.

01 44 54PM 9 MR. HUGHES: That's correct. And I believe I

01 44 58PM 10 can lay the foundation she heard that from Mr. Ray.

01 45 00PM 11 To the extent the transcript itself, from this

01 45 02PM 12 interview between Ms. Bunn and the detective,

01 45 04PM 13 doesn't specifically say the defendant didn't say

01 45 07PM 14 that on the conference call or did say that, that's

01 45 10PM 15 something the defendant had an opportunity to

01 45 11PM 16 interview Ms. Bunn about.

01 45 13PM 17 The fact that this impression was left

01 45 15PM 18 with Ms. Bunn from the conference call -- you

01 45 19PM 19 know -- the defendant's choice whether to interview

01 45 23PM 20 her or not. I don't think they can say now because

01 45 25PM 21 every fact is not contained in the original police

01 45 28PM 22 interview when the context around that fact is in

01 45 31PM 23 there -- I think it's fair game for us to talk

01 45 33PM 24 about provided I can lay my foundation today that

01 45 37PM 25 she heard that from Mr. Ray.

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01 45 39PM 1 If I can't lay the foundation that that

01 45 41PM 2 statement or impression was made by Mr. Ray, then

01 45 42PM 3 obviously it's not going to come in.

01 45 44PM 4 THE COURT: You say "statement or impression."

01 45 48PM 5 When you talk about impression, I get concerned

01 45 49PM 6 about hearsay. Well, we just assumed it was from

01 45 51PM 7 here or something like that -- that would be

01 45 52PM 8 hearsay.

01 45 53PM 9 There is no offering of any transcript

01 45 54PM 10 though Mr. Kelly. Let's clear that up right now.

01 45 57PM 11 MR. KELLY: That has been cleared up. Again,

01 46 00PM 12 Judge, I have to emphasize. Here's the problem:

01 46 02PM 13 And the problem is one of full and complete

01 46 04PM 14 disclosure. Rule 15.1 does not require us to go

01 46 08PM 15 out and ask the government what statements our

01 46 11PM 16 client made or what statements they believe our

01 46 14PM 17 client made that they're going to use at trial.

01 46 16PM 18 It's an affirmative responsibility on the State of

01 46 19PM 19 Arizona to disclose any and all statements

01 46 23PM 20 purportedly made by my client. I don't care what

01 46 27PM 21 the source is, whether it was in witness

01 46 29PM 22 preparation or a transcript on the internet or an

01 46 32PM 23 interview with a police officer. That's

01 46 34PM 24 irrelevant.

01 46 35PM 25 What we're objecting to is we're in the

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01:46:38PM 1 middle of a trial, and for the first time we hear
 01:46:40PM 2 that the government wants to offer a statement
 01:46:43PM 3 purportedly made by Mr. Ray that was not disclosed.

01:46:46PM 4 MR. HUGHES: Your Honor, it's the state's
 01:46:49PM 5 position it has been disclosed in that interview
 01:46:52PM 6 recording that was provided to the defendant.

01:46:55PM 7 MR. KELLY: Judge, we have marked and can make
 01:47:01PM 8 as part of the record Exhibit 617 for purposes of
 01:47:13PM 9 this argument only. And the reference is page 3,
 01:47:26PM 10 line 20 through line 23.

01:47:36PM 11 THE COURT: And that is what you read?

01:47:38PM 12 MR. HUGHES: Your Honor, obviously this is a
 01:47:41PM 13 detective's interview that doesn't have the
 01:47:43PM 14 foundation or the sort of thing that I would lay --

01:47:45PM 15 THE COURT: I don't know what Mr. Kelly is
 01:47:47PM 16 referring to.

01:47:50PM 17 MR. KELLY: May I approach?

01:47:51PM 18 MR. LI: I'll get it.

01:47:52PM 19 MR. KELLY: If the argument is this provided
 01:47:54PM 20 notice of the defendant's statement, I would like
 01:47:57PM 21 to make it part of record, Exhibit 617, for
 01:48:00PM 22 purposes of this argument, page 3, lines 20 through
 01:48:02PM 23 23, which Mr. Hughes has read into the record thus
 01:48:06PM 24 far.

01:48:07PM 25 It is -- I have to say because on that
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01:48:09PM 1 conference call yesterday, it's kind of like -- you
 01:48:12PM 2 know -- they only want to talk to people that are
 01:48:15PM 3 within the organization.

01:48:15PM 4 That did not put not us on notice that
 01:48:19PM 5 that was going to be offered in front of this jury
 01:48:22PM 6 as a statement of my client.

01:48:35PM 7 MR. HUGHES: Your Honor, we did make Dr. Bunn
 01:48:38PM 8 available to the defense. I think we even
 01:48:40PM 9 scheduled the interview. And they cancelled the
 01:48:43PM 10 interview, did not avail themselves of inquiry into
 01:48:46PM 11 what she meant in this transcript.

01:48:48PM 12 And, actually, there is another
 01:48:50PM 13 transcript that doesn't talk about this. But there
 01:48:52PM 14 have been two recorded YCSO interviews that we
 01:48:56PM 15 provided to the defense. They had an opportunity.
 01:48:58PM 16 We made Dr. Bunn available to them. And they just
 01:49:01PM 17 for whatever reason chose not to interview her.
 01:49:04PM 18 To say the state has failed to meet its
 01:49:06PM 19 disclosure obligations when we disclosed this -- I
 01:49:12PM 20 don't have the reports, but all the tapes went out
 01:49:15PM 21 within a very short time after this case was
 01:49:18PM 22 filed -- I think it's not true, Your Honor.

01:49:23PM 23 MR. KELLY: Judge, there is simply a
 01:49:26PM 24 difference between disclosure and discovery.

01:49:41PM 25 THE COURT: I've not permitted late exhibits
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01:49:47PM 1 that came in. And that's out. With the masses of
 01:49:59PM 2 disclosure, the tapes and those things, to just say
 01:50:03PM 3 "they," that doesn't exactly say a defendant's
 01:50:08PM 4 statement. I don't think that's what the rule
 01:50:10PM 5 contemplates.

01:50:11PM 6 I think it contemplates more precise
 01:50:15PM 7 information. If there had been a follow up or
 01:50:18PM 8 something, then this would do it. I don't think
 01:50:20PM 9 you have to separate out in your disclosure here
 01:50:23PM 10 are defendant's statements when there is not even a
 01:50:26PM 11 direct reference to the defendant. It's the type
 01:50:32PM 12 of disclosure issue we were dealing with yesterday,
 01:50:35PM 13 and I'm not going to allow it. Thank you.

01:50:37PM 14 Let's get the jury in here.

01:50:37PM 15 (Proceedings continued in the presence of
 01:50:37PM 16 jury.)

01:53:52PM 17 THE COURT: The record will show the presence
 01:53:54PM 18 of the defendant, Mr. Ray; the attorneys, the jury.
 01:53:56PM 19 And the witness has returned to the witness stand.

01:53:59PM 20 Mr. Hughes.

01:54:00PM 21 MR. HUGHES: Thank you.

01:54:07PM 22 Q. Good afternoon, Doctor.

01:54:08PM 23 A. Good afternoon.

01:54:09PM 24 Q. I believe we left off around the end of
 01:54:12PM 25 round 5 and the beginning of round 6. Did you

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01:54:21PM 1 remain in the same place inside the sweat lodge for
 01:54:33PM 2 round 6 that you told us about you had moved to in
 01:54:37PM 3 round 4?

01:54:37PM 4 A. I did.

01:54:38PM 5 Q. And can you tell us how long you remained
 01:54:40PM 6 in that location with respect to the rest of the
 01:54:44PM 7 sweat lodge ceremony.

01:54:45PM 8 A. I stayed there till the end.

01:54:48PM 9 Q. You had mentioned in, I believe, round 5
 01:54:50PM 10 there was a disturbance when someone burned their
 01:54:50PM 11 arm?

01:55:00PM 12 A. Uh-huh.

01:55:00PM 13 Q. For the Court reporter's sake, was that a
 01:55:03PM 14 yes or no?

01:55:04PM 15 A. Yes. I'm sorry.

01:55:07PM 16 Q. When it was announced that someone had
 01:55:14PM 17 burned their arm, did Mr. Ray stop the sweat lodge
 01:55:18PM 18 ceremony?

01:55:19PM 19 A. It wasn't really announced that he had
 01:55:22PM 20 burned his arm. It was just screaming to get his
 01:55:24PM 21 attention. They said he was going into the pit or
 01:55:26PM 22 he's crawling into pit. No -- anything was
 01:55:31PM 23 mentioned as to what he had burned. It was just he
 01:55:35PM 24 was crawling into the pit. Some people were
 01:55:37PM 25 yelling his name trying to pull him out.

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01 55 41PM 1 Q. When that took place, did Mr. Ray stop
 01 55 43PM 2 the ceremony?
 01 55 45PM 3 A. No.
 01 55 47PM 4 Q. At any time between that point and the
 01 55 49PM 5 time the sweat lodge ceremony actually ended, did
 01 55 51PM 6 you ever hear Mr. Ray inquire about how that person
 01 55 53PM 7 was doing?
 01 55 55PM 8 A. No.
 01 55 57PM 9 Q. Now, in round 6 were you sitting up or
 01 55 59PM 10 laying down?
 01 56 01PM 11 A. Laying down.
 01 56 03PM 12 Q. Can you tell us what the heat was like in
 01 56 05PM 13 round 6 as compared to the prior rounds that you'd
 01 56 07PM 14 been in.
 01 56 09PM 15 A. I think by that time I did -- it was
 01 56 11PM 16 where it was going to be it's not going to get any
 01 56 13PM 17 better. It's just really, really hot. In
 01 56 15PM 18 comparison to round 5, it was comparable. Seven
 01 56 17PM 19 and eight stayed about the same.
 01 56 19PM 20 Q. Did you hear anything out of the ordinary
 01 56 21PM 21 in round 6?
 01 56 23PM 22 A. I did.
 01 56 25PM 23 Q. Can you tell us -- describe for us what
 01 56 27PM 24 it is that you heard in round 6.
 01 56 29PM 25 A. Round 6 is when everything kind of went
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01 56 59PM 1 pretty crazy. And everybody in the tent in the
 01 57 04PM 2 sweat lodge was yelling at some point in time
 01 57 07PM 3 because a person had passed out or a person was
 01 57 12PM 4 unconscious, and they were dragged out. They were
 01 57 15PM 5 dragged to the door. A man dragged her to the
 01 57 18PM 6 door.
 01 57 18PM 7 I saw that they dragged that woman out of
 01 57 21PM 8 the tent. And she was completely not mobile. She
 01 57 24PM 9 was not functioning for herself. Everything was --
 01 57 29PM 10 MR. KELLY: Objection. Lack of foundation of
 01 57 32PM 11 medical condition.
 01 57 32PM 12 THE COURT: Sustained.
 01 57 34PM 13 Q. BY MR. HUGHES: What could you see about
 01 57 36PM 14 the woman that caused you to have that belief about
 01 57 38PM 15 her condition?
 01 57 39PM 16 A. They were literally dragging her, and her
 01 57 42PM 17 head was down. When she was brought to the door,
 01 57 45PM 18 she was just lifeless.
 01 57 47PM 19 MR. KELLY: Your Honor, ask that the previous
 01 57 49PM 20 answer be stricken as well.
 01 57 51PM 21 THE COURT: The answer that has just been
 01 57 53PM 22 completed stands. You know, I sustained the
 01 58 03PM 23 objection to the previous question.
 01 58 06PM 24 But, Mr. Hughes, continue. I can't
 01 58 12PM 25 address that now. It's been answered. Proceed,
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01 58 14PM 1 Mr. Hughes.
 01 58 16PM 2 Q. BY MR. HUGHES: Doctor, when this woman
 01 58 18PM 3 was dragged to the door, was that -- can you tell
 01 58 21PM 4 us what portion or what part of round 6 that
 01 58 24PM 5 occurred. Was it the beginning, the middle or the
 01 58 26PM 6 end?
 01 58 27PM 7 A. The door was open.
 01 58 29PM 8 Q. Was the door open at the beginning or the
 01 58 32PM 9 end of the round?
 01 58 34PM 10 A. It never opened during. The door closed
 01 58 36PM 11 to start the round. The door opened at the end of
 01 58 38PM 12 the round.
 01 58 43PM 13 Q. I apologize. That was a bad question.
 01 58 46PM 14 Did you see this woman being dragged at the
 01 58 48PM 15 beginning of round 6 or at the end of round 6?
 01 58 51PM 16 A. At the end.
 01 58 52PM 17 Q. While the woman was being dragged, did
 01 58 56PM 18 you hear anybody say anything about the
 01 59 02PM 19 condition -- strike that.
 01 59 02PM 20 Did you hear anybody say anything about
 01 59 05PM 21 the woman being dragged?
 01 59 12PM 22 A. They were just calling -- all I can
 01 59 16PM 23 recall is somebody calling somebody to the door to
 01 59 19PM 24 help to drag her out the rest of the way out of the
 01 59 21PM 25 tent. The person who drug her to the door went
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01 59 24PM 1 back to their location, went back to sit down and
 01 59 27PM 2 go through the rest of the sweat lodge.
 01 59 29PM 3 Q. Was the woman dragged past where Mr. Ray
 01 59 32PM 4 was sitting?
 01 59 32PM 5 A. Right in front of him.
 01 59 33PM 6 Q. Did you hear Mr. Ray say anything about
 01 59 36PM 7 that situation?
 01 59 37PM 8 A. I did not.
 01 59 39PM 9 Q. Did you ever hear him ask about how that
 01 59 41PM 10 woman was doing after that point?
 01 59 44PM 11 A. I did not.
 01 59 46PM 12 Q. Did you see anybody else dragged or
 01 59 50PM 13 assisted out of the sweat lodge at the end of
 01 59 53PM 14 round 6?
 01 59 53PM 15 A. I did not.
 01 59 54PM 16 Q. Did you ever hear anybody say anything
 02 00 01PM 17 during round 6 about a person's breathing or lack
 02 00 06PM 18 of breathing?
 02 00 07PM 19 A. In round 6 is when we heard she's passed
 02 00 12PM 20 out. She's passed out. And at the end of the
 02 00 17PM 21 round is when they took the lady out. There was a
 02 00 21PM 22 lot of screaming going on, and people started
 02 00 23PM 23 yelling other people's names to see -- I guess to
 02 00 27PM 24 see if somebody would answer. But with so many
 02 00 29PM 25 people calling each other's names, we just didn't
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02 00 32PM 1 know who was answering.

02 00 34PM 2 And what happened after the lady is taken

02 00 38PM 3 out, then everyone is still yelling for each other.

02 00 42PM 4 And that's when James said, quiet down. Quiet

02 00 46PM 5 down. I'm in charge here. Everyone needs to be

02 00 52PM 6 quiet right now.

02 00 52PM 7 And that's when we were told to not say

02 00 55PM 8 any more. And that's when we were said, again, I

02 00 59PM 9 can't get her to move. She's not moving. She's

02 01 02PM 10 not breathing. And he closed the door and said,

02 01 05PM 11 the door is now closed. This round has now begun.

02 01 08PM 12 We'll deal with that at the end of the next round.

02 01 12PM 13 Q. Where did you hear the comment about

02 01 14PM 14 she's not breathing coming from within the sweat

02 01 17PM 15 lodge?

02 01 17PM 16 A. It's coming more from somewhere from the

02 01 20PM 17 back or the north. It's coming from the back. It

02 01 24PM 18 wasn't near where I was laying at the time.

02 01 28PM 19 Q. Do you have any recollection of which

02 01 28PM 20 side of the sweat lodge in the back it was coming

02 01 31PM 21 from?

02 01 32PM 22 A. No.

02 01 35PM 23 Q. Was it a loud voice that made that

02 01 38PM 24 statement? Could you hear clearly?

02 01 42PM 25 A. It was a man's voice.

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02 01 45PM 1 Q. Could you hear the voice clearly?

02 01 47PM 2 A. Yes.

02 01 48PM 3 Q. And did Mr. Ray respond to that voice

02 01 51PM 4 about that she's not breathing?

02 01 53PM 5 MR. KELLY: Your Honor, objection. Form of

02 01 57PM 6 the question, foundation.

02 02 01PM 7 THE COURT: Overruled.

02 02 01PM 8 You may answer that. I believe it called

02 02 03PM 9 for a yes or no response.

02 02 04PM 10 THE WITNESS: Yes.

02 02 08PM 11 Q. BY MR. HUGHES: And can you tell us what

02 02 07PM 12 Mr. Ray's response was to that statement.

02 02 12PM 13 A. The door is now closed.

02 02 15PM 14 MR. KELLY: Objection, Your Honor. Asked and

02 02 17PM 15 answered.

02 02 17PM 16 THE COURT: Overruled.

02 02 18PM 17 You may answer that.

02 02 21PM 18 THE WITNESS: The door is now closed. This

02 02 23PM 19 round is now begun. We'll deal with that at the

02 02 27PM 20 end of the next round.

02 02 27PM 21 Q. BY MR. HUGHES: And can you tell us what

02 02 30PM 22 the round number is for the next round.

02 02 30PM 23 A. Seven.

02 02 31PM 24 Q. Do you know how many stones were brought

02 02 33PM 25 in at the beginning of round 7?

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02 02 38PM 1 A. I do not.

02 02 37PM 2 Q. Do you know the name of the woman that

02 02 45PM 3 got dragged to the door that you were talking about

02 02 48PM 4 a moment ago?

02 02 50PM 5 A. I do.

02 02 53PM 6 Q. Can you tell us her name.

02 02 54PM 7 A. Sidney Spencer.

02 02 59PM 8 Q. And do you know -- how do you know it was

02 03 02PM 9 Sidney Spencer?

02 03 04PM 10 A. One, I saw her as she was being dragged

02 03 07PM 11 out. And the other, I saw her when I was on the

02 03 09PM 12 outside of the tent where she was dragged to.

02 03 13PM 13 Q. And we're going to move probably pretty

02 03 18PM 14 soon to the point where you're outside. Can you

02 03 18PM 15 tell me, do you know who was dragging her to the

02 03 22PM 16 door?

02 03 22PM 17 A. I don't know. I know it was a man. It

02 03 26PM 18 was one person.

02 03 34PM 19 Q. During the seventh round do you have any

02 03 38PM 20 idea how long that round lasted?

02 03 40PM 21 A. Approximately 15 minutes.

02 03 44PM 22 Q. Do you recall anyone making statements

02 03 51PM 23 about people in distress during the seventh round?

02 03 56PM 24 A. Not if we were told to be quiet. There

02 04 00PM 25 wasn't a lot of people talking.

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02 04 04PM 1 Q. At the end of the seventh round, do you

02 04 19PM 2 recall how long the portal or the flap was opened

02 04 22PM 3 up?

02 04 23PM 4 A. That one probably was a little bit

02 04 26PM 5 longer, probably one of the longest ones. That's

02 04 28PM 6 when James asked for everybody who had gone out at

02 04 32PM 7 any point in time and was outside to -- they were

02 04 38PM 8 invited to come back in to join us for the last

02 04 39PM 9 round.

02 04 40PM 10 Q. You mentioned James. Can you tell us to

02 04 42PM 11 whom you're referring. Which James?

02 04 44PM 12 A. Mr. Ray.

02 04 47PM 13 Q. At any time between the end of round 7

02 04 54PM 14 and the beginning of round 8, did Mr. Ray inquire

02 05 02PM 15 about Sidney, who had been dragged out?

02 05 05PM 16 A. No, he did not.

02 05 11PM 17 Q. Do you know where Kirby Brown was sitting

02 05 19PM 18 in the seventh round?

02 05 21PM 19 A. To my knowledge, Kirby had moved. I knew

02 05 28PM 20 where she was at the beginning, and I knew where

02 05 32PM 21 she was at the end of the eighth round.

02 05 33PM 22 Q. Okay. Can you point out those locations

02 05 35PM 23 for us on this chart.

02 05 40PM 24 A. Kirby was laying right here.

02 05 48PM 25 Q. And at what point in the ceremony was

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02 06 53PM 1 Kirby laying at that location?

02 06 55PM 2 **A. That's where she started, and that's**

02 06 57PM 3 **where she finished.**

02 06 59PM 4 **Q.** You indicated at some point Kirby was

02 07 01PM 5 moved. Can you tell us at what point either during

02 07 03PM 6 the ceremony or after the ceremony she was moved?

02 07 05PM 7 **A. After the sweat lodge was over.**

02 07 07PM 8 **Q.** Okay. Did you ever hear any comments

02 07 09PM 9 about Kirby's condition during the sweat lodge

02 07 11PM 10 ceremony?

02 07 13PM 11 **A. I did not. I do not recall that specific**

02 07 15PM 12 **name. I know that somebody was in trouble because**

02 07 17PM 13 **nothing was being done about the person that was**

02 07 19PM 14 **said to be passed out and we don't know if she's**

02 07 21PM 15 **breathing.**

02 07 23PM 16 **Q.** At the end of that round, round 7, did

02 07 25PM 17 Mr. Ray ever make any inquiries about how the woman

02 07 27PM 18 who wasn't breathing was doing?

02 07 29PM 19 **A. He didn't. I was waiting for that.**

02 07 31PM 20 **Q.** Did he ever direct someone to go in and

02 07 33PM 21 check on her?

02 07 35PM 22 **A. No.**

02 07 37PM 23 **Q.** Did you hear or see or observe Mr. Ray do

02 07 39PM 24 anything to help that person?

02 07 41PM 25 **A. I did not.**

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02 07 28PM 1 **Q.** Apart from inviting people back in

02 07 30PM 2 between round 7 and 8, did you hear Mr. Ray say

02 07 32PM 3 anything?

02 07 34PM 4 **A. Other than order the rocks.**

02 07 36PM 5 **Q.** Do you recall how many rocks the

02 07 38PM 6 defendant ordered for round 8?

02 07 40PM 7 **A. I do not.**

02 07 42PM 8 **Q.** Were you still laying down at that point?

02 07 44PM 9 **A. I was.**

02 07 46PM 10 **Q.** Do you recall whether or not it was

02 07 48PM 11 Mr. Ray who actually ordered the rocks to come in

02 07 50PM 12 in that round?

02 07 52PM 13 **A. He ordered the rocks for every round.**

02 07 54PM 14 **Q.** And do you recall whether or not it was

02 07 56PM 15 Mr. Ray who dumped the water in the pit for the

02 07 58PM 16 last round?

02 08 00PM 17 **A. Mr. Ray poured the water on every round.**

02 08 02PM 18 **Q.** Now, at some point did you hear anybody

02 08 04PM 19 in distress in round 8?

02 08 06PM 20 **A. Honestly, at round 8 I knew that they**

02 08 08PM 21 **weren't helping the person that was in trouble --**

02 08 10PM 22 **MR. KELLY:** Your Honor, I'm going to object.

02 08 12PM 23 **THE COURT:** Sustained.

02 08 14PM 24 **Q.** BY MR. HUGHES: Doctor, my question was

02 08 16PM 25 did you hear anybody else in distress during

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02 08 18PM 1 round 8?

02 08 20PM 2 **A. I was really focused on myself at that**

02 08 22PM 3 **point in time to live through the last one.**

02 08 24PM 4 **Q.** Did you experience an altered state while

02 08 26PM 5 you were inside the sweat lodge?

02 08 28PM 6 **A. Not to my knowledge.**

02 08 30PM 7 **Q.** Do you recall whether people did take

02 08 32PM 8 Mr. Ray up on the request to come back into the

02 08 34PM 9 sweat lodge for the final round?

02 08 36PM 10 **A. They did.**

02 08 38PM 11 **Q.** Do you recall approximately how many

02 08 40PM 12 people came into the lodge?

02 08 42PM 13 **A. I don't know if it was four or five. I**

02 08 44PM 14 **know that there were several people because now I**

02 08 46PM 15 **was on the west side of the inside of the lodge and**

02 08 48PM 16 **I was on the inside circle. Several people were**

02 08 50PM 17 **tripping over me coming back into the tent.**

02 08 52PM 18 **Q.** You mentioned you were on the west side

02 08 54PM 19 of the lodge. Did you bring a compass out to

02 08 56PM 20 measure the directions?

02 08 58PM 21 **A. I was told the entrance was the south.**

02 09 00PM 22 **Q.** Okay. Who told you the entrance was at

02 09 02PM 23 the south?

02 09 04PM 24 **A. Mr. Ray.**

02 09 06PM 25 **Q.** Did you make any independent observations

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02 10 34PM 1 of, say, where the sun set or anything else to

02 10 36PM 2 confirm whether that was accurate or not?

02 10 38PM 3 **A. No, I did not.**

02 10 40PM 4 **Q.** So when you are referencing the west side

02 10 42PM 5 of the sweat lodge structure, can you tell us or

02 10 44PM 6 point to us the side of the lodge that you're

02 10 46PM 7 talking about.

02 10 48PM 8 **A. The west side?**

02 10 50PM 9 **Q.** You mentioned earlier the west side. Can

02 10 52PM 10 you tell us what side --

02 10 54PM 11 **A. To me this is the west.**

02 10 56PM 12 **Q.** Okay. Would you have any independent

02 10 58PM 13 reason to disagree that that side may have been the

02 11 00PM 14 south side that you just indicated?

02 11 02PM 15 **A. I know my north, south, east and west. I**

02 11 04PM 16 **mean, if theoretically where it is -- I'm doing it**

02 11 06PM 17 **based off of the landmark that the door is on the**

02 11 08PM 18 **south.**

02 11 10PM 19 **Q.** Okay. When the eighth round ended, did

02 11 12PM 20 you see or hear anybody in distress while you were

02 11 14PM 21 still inside the lodge?

02 11 16PM 22 **A. Yes.**

02 11 18PM 23 **Q.** Can you tell us what you saw and what you

02 11 20PM 24 heard.

02 11 22PM 25 **A. Two different instructions. When the --**

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02 12 04PM 1 when it was over and the door was opened, Mr. Ray
 02 12 07PM 2 said, okay. Everybody on the outside circle is to
 02 12 09PM 3 leave first. And then everybody on the outside
 02 12 11PM 4 circle started to climb out. And what he realized
 02 12 11PM 5 is that they were tripping on the people inside.

02 12 21PM 6 So he changed his direction. He said,
 02 12 21PM 7 everyone on the inside circle leave first and then
 02 12 24PM 8 the outside circle will leave after that.

02 12 28PM 9 So I was on the inside circle on the west
 02 12 31PM 10 side, and we have to go clockwise to leave. This
 02 12 33PM 11 meant now that I had to go from the west side to
 02 12 38PM 12 the north side then to the east, and then I could
 02 12 41PM 13 go out the door.

02 12 42PM 14 So as I was getting ready to leave, we
 02 12 44PM 15 were waiting for people to go, there was two
 02 12 48PM 16 gentleman in front of me that were dragging another
 02 12 52PM 17 lifeless person out. And they would go one, two,
 02 12 56PM 18 three. And one man would pull her arm and another
 02 12 59PM 19 man would lift her mid body. And they asked me to
 02 13 03PM 20 push.

02 13 03PM 21 I didn't have a lot of physical strength
 02 13 06PM 22 to push. I did what I could. I was pushing on her
 02 13 09PM 23 legs or pushing on her behind to try and get them
 02 13 12PM 24 some help. And they drug her all the way to the
 02 13 17PM 25 door.

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02 13 18PM 1 As they were doing that, I was passing
 02 13 20PM 2 Kirby. And there was enough light in the tent that
 02 13 23PM 3 I knew who Kirby was. I could identify her bathing
 02 13 29PM 4 suit. There was some snorting or snoring sounds
 02 13 31PM 5 coming from her, and she was face up. And it was,
 02 13 35PM 6 like, a gurgling, snorting sound.

02 13 38PM 7 I wanted to shake her and wake her up,
 02 13 42PM 8 but I thought the sooner we get everybody out, we
 02 13 45PM 9 can get everybody out.

02 13 46PM 10 Q. Now, can you point out to us on the chart
 02 13 48PM 11 where you found Kirby.

02 13 50PM 12 A. In the same location where she started.

02 13 55PM 13 Q. And can you point out on the chart where
 02 13 57PM 14 you found the woman that the two men were trying to
 02 14 00PM 15 move.

02 14 01PM 16 A. She was being dragged out in front of me.
 02 14 04PM 17 As we were leaving just following this path, we had
 02 14 08PM 18 to bring her all the way around the pit.

02 14 12PM 19 Q. Doctor, in your medical training have you
 02 14 17PM 20 been trained to recognize a person when they're
 02 14 20PM 21 unconscious?

02 14 21PM 22 A. I have.

02 14 21PM 23 Q. Based on that training of yours, do you
 02 14 24PM 24 have an opinion as to whether the woman who you saw
 02 14 27PM 25 the men pulling out -- was she conscious or

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02 14 32PM 1 unconscious.

02 14 34PM 2 MR. KELLY: Your Honor, objection.

02 14 35PM 3 THE COURT: Grounds?

02 14 36PM 4 MR. KELLY: The doctor has not been disclosed
 02 14 40PM 5 as an expert in medical conditions in this case.
 02 14 42PM 6 Also lack of foundation.

02 14 43PM 7 THE COURT: It would have to be based on type
 02 14 48PM 8 of observations. So sustained.

02 14 53PM 9 Q. BY MR. HUGHES: Doctor, can you tell us
 02 14 54PM 10 what you observed about the woman that led you to
 02 14 57PM 11 believe she was in the state you describe.

02 14 58PM 12 A. We were pulling her. She was not
 02 15 02PM 13 assisting in any way, shape or form. There was
 02 15 05PM 14 nothing physically -- they were dragging her. If
 02 15 08PM 15 you let go of her body, she will lay there until
 02 15 13PM 16 the next time we could reorient so that we could
 02 15 14PM 17 pull her a little further.

02 15 15PM 18 They would pull, and then they pulled,
 02 15 17PM 19 and I would push. And then we'd have to reorient
 02 15 21PM 20 ourselves. And she just lay lifeless where we left
 02 15 23PM 21 her before we got the next --

02 15 25PM 22 Q. Was her eyes open?

02 15 27PM 23 A. She was face down.

02 15 29PM 24 Q. Did she ever say anything to you?

02 15 31PM 25 A. She didn't respond in any way.

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02 15 35PM 1 Q. When you saw Kirby laying over in this
 02 15 40PM 2 area, could you see if her eyes were open or
 02 15 45PM 3 closed?

02 15 46PM 4 A. I could not.

02 15 47PM 5 Q. You indicated you heard sounds coming
 02 15 50PM 6 from her; is that correct?

02 15 52PM 7 A. Yes.

02 15 52PM 8 Q. And I think you mentioned earlier Kirby
 02 15 56PM 9 had been your roommate that week. Correct?

02 15 58PM 10 A. Yes.

02 15 59PM 11 Q. Did you hear those same sort of sounds
 02 16 02PM 12 coming from her at night if she was in there
 02 16 05PM 13 sleeping?

02 16 05PM 14 A. I did not.

02 16 08PM 15 Q. Can you describe for us what Kirby's
 02 16 12PM 16 demeanor was like before the sweat lodge.

02 16 14PM 17 MR. KELLY: Your Honor, objection. Relevance.

02 16 17PM 18 THE COURT: Overruled. The last part,
 02 16 23PM 19 Mr. Kelly?

02 16 23PM 20 MR. KELLY: 403 as well, Judge.

02 16 24PM 21 THE COURT: Overruled.

02 16 25PM 22 You may answer that if you can.

02 16 28PM 23 Q. BY MR. HUGHES: Doctor, do you recall
 02 16 30PM 24 what Kirby's demeanor was like before the sweat
 02 16 35PM 25 lodge?

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02:18:35PM 1 **A. She was on top of the world, ecstatic**
 02:18:40PM 2 **about going through the event.**
 02:18:41PM 3 **Q. Was her demeanor inside the lodge when**
 02:18:42PM 4 **you saw her in the condition you described**
 02:18:43PM 5 **different from that demeanor?**
 02:18:50PM 6 **A. Yes.**
 02:18:50PM 7 **MR. KELLY: Your Honor, objection.**
 02:18:53PM 8 **THE COURT: Overruled.**
 02:18:54PM 9 **You may answer that.**
 02:18:56PM 10 **THE WITNESS: Yes.**
 02:18:58PM 11 **Q. BY MR. HUGHES: How was it different?**
 02:17:00PM 12 **A. There was no movement from Kirby.**
 02:17:12PM 13 **Q. Did you see anybody in the vicinity of**
 02:17:18PM 14 **Kirby as you moved past her?**
 02:17:21PM 15 **A. There was a man next to her, and he was**
 02:17:25PM 16 **still lying down.**
 02:17:27PM 17 **Q. Can you point out for us -- I'll put a**
 02:17:31PM 18 **new color on here. Can you point out for us where**
 02:17:37PM 19 **you saw the man laying next to Kirby.**
 02:17:40PM 20 **A. He's right next to her.**
 02:17:42PM 21 **Q. About how far apart were they?**
 02:17:48PM 22 **A. Maybe a foot.**
 02:17:53PM 23 **Q. Do you know whether any part of the man**
 02:17:58PM 24 **was touching Kirby?**
 02:17:59PM 25 **A. I do not.**
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02:18:01PM 1 **Q. Do you know if they were holding hands?**
 02:18:04PM 2 **MR. KELLY: Your Honor, objection.**
 02:18:05PM 3 **THE COURT: Sustained.**
 02:18:07PM 4 **Q. BY MR. HUGHES: Can you tell me what, if**
 02:18:10PM 5 **anything, you observed about the man laying next to**
 02:18:14PM 6 **Kirby.**
 02:18:15PM 7 **A. I was concentrated on the noise coming**
 02:18:20PM 8 **from her and then pushing the lady out. And I**
 02:18:22PM 9 **noticed that he was laying there. I didn't know if**
 02:18:24PM 10 **he was actually waiting for his -- calmly waiting**
 02:18:27PM 11 **for his time to leave the tent or not.**
 02:18:28PM 12 **Q. Could you tell if his eyes were open or**
 02:18:31PM 13 **not?**
 02:18:31PM 14 **A. I could not.**
 02:18:32PM 15 **Q. Did he ever speak as you went by?**
 02:18:36PM 16 **A. No.**
 02:18:37PM 17 **Q. Do you know who that man is?**
 02:18:38PM 18 **A. No.**
 02:18:41PM 19 **Q. At some point did you finally make it to**
 02:18:51PM 20 **the door of the sweat lodge?**
 02:18:53PM 21 **A. I did.**
 02:18:57PM 22 **Q. How long would you recon it took you to**
 02:19:00PM 23 **make the circuit out of the sweat lodge?**
 02:19:12PM 24 **A. Seven to 10 minutes. Dragging that lady**
 02:19:12PM 25 **out was taking a long time.**
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02:19:13PM 1 **Q. And what happened when you left or got to**
 02:19:16PM 2 **the entrance of the sweat lodge?**
 02:19:17PM 3 **A. Then two people grabbed my arms and then**
 02:19:22PM 4 **took me over to a tarp that wasn't too far from the**
 02:19:25PM 5 **sweat lodge.**
 02:19:26PM 6 **Q. Did you see what happened to the woman**
 02:19:28PM 7 **that you had been helping push out of the lodge?**
 02:19:30PM 8 **A. I did not.**
 02:19:32PM 9 **Q. And do you know who the people were who**
 02:19:38PM 10 **grabbed you under your arms?**
 02:19:41PM 11 **A. I don't recall who it was.**
 02:19:44PM 12 **Q. Were you able to walk on your own at that**
 02:19:48PM 13 **point when you left the lodge?**
 02:19:47PM 14 **A. I was walking but with assistance.**
 02:19:51PM 15 **Q. What happened to you once you reached the**
 02:19:54PM 16 **tarp?**
 02:19:55PM 17 **A. I laid down and they splashed a bucket**
 02:20:00PM 18 **of -- five-gallon bucket of cold water on me and**
 02:20:04PM 19 **told me to rest and I did a great job.**
 02:20:08PM 20 **Q. At some point were other people put or**
 02:20:13PM 21 **brought to the tarp in your vicinity?**
 02:20:15PM 22 **A. Yes.**
 02:20:28PM 23 **Q. And, Doctor, showing you Exhibit 145,**
 02:20:29PM 24 **which has been admitted.**
 02:20:34PM 25 **Can you see two different tarps on that**
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02:20:45PM 1 **photograph?**
 02:20:45PM 2 **A. Yes.**
 02:20:48PM 3 **Q. Do you recall whether you were brought to**
 02:20:48PM 4 **either of those tarps?**
 02:20:55PM 5 **A. Where is the door?**
 02:21:07PM 6 **MR. KELLY: Your Honor, objection.**
 02:21:08PM 7 **Q. BY MR. HUGHES: Doctor, if you were to**
 02:21:10PM 8 **assume for sake of argument that this was the**
 02:21:14PM 9 **door --**
 02:21:18PM 10 **MR. KELLY: Judge. I'd object. The**
 02:21:20PM 11 **prosecutor is testifying. The witness has**
 02:21:23PM 12 **answered.**
 02:21:28PM 13 **THE COURT: Sustained.**
 02:21:28PM 14 **Q. BY MR. HUGHES: Doctor, does -- let me**
 02:21:38PM 15 **zoom in for you. Does the zoom on the photograph**
 02:21:50PM 16 **assist you in any way in determining where the door**
 02:21:53PM 17 **was?**
 02:21:58PM 18 **A. Yes.**
 02:22:00PM 19 **Q. With that assistance zooming back out,**
 02:22:12PM 20 **can you recall whether you were placed on either of**
 02:22:16PM 21 **the two tarps shown in that photograph?**
 02:22:18PM 22 **A. Placed on the one farthest or closest to**
 02:22:23PM 23 **the Judge.**
 02:22:24PM 24 **Q. Could you put a dot or an "X" on that.**
 02:22:27PM 25 **A. This one right here.**
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02 22 34PM 1 Q. And then showing you Exhibit 144, which
 02 22 36PM 2 is also admitted, do you see that same tarp but
 02 22 43PM 3 from a different angle?
 02 22 53PM 4 A. I do. I was put on this tarp right here
 02 22 53PM 5 right behind that lady.
 02 22 53PM 6 Q. Okay. Who else do you recall being
 02 22 57PM 7 brought over or coming over to the tarp that you
 02 23 00PM 8 were sitting on?
 02 23 01PM 9 A. Jeanne was brought to the tarp, was right
 02 23 06PM 10 next to me on the tarp.
 02 23 08PM 11 Q. And do you recall anybody else on that
 02 23 12PM 12 tarp in the area near where you were at?
 02 23 15PM 13 A. Not too far away was Sidney, and not too
 02 23 22PM 14 far from there was Bret.
 02 23 24PM 15 Q. And is that the same Sidney you described
 02 23 27PM 16 earlier?
 02 23 27PM 17 A. Yes.
 02 23 28PM 18 Q. Can you tell us what you observed about
 02 23 32PM 19 Sidney as she was out on the tarp?
 02 23 36PM 20 A. She was unresponsive. And at the time
 02 23 39PM 21 people were asking -- they were calling her name.
 02 23 42PM 22 Sidney, Sidney, talk to me. Talk to me. Sidney,
 02 23 44PM 23 talk to me.
 02 23 46PM 24 Q. Did you observe anybody else in your
 02 23 50PM 25 vicinity who was likewise unresponsive?

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02 23 54PM 1 A. I got -- I got up. And that's when I
 02 24 02PM 2 noticed the other people.
 02 24 03PM 3 Q. And what did you notice about the other
 02 24 05PM 4 people?
 02 24 08PM 5 A. I'd walked to Sidney, and I saw that she
 02 24 10PM 6 was shivering. So I went to get her some blankets.
 02 24 14PM 7 We -- we were putting our hands on there to take
 02 24 18PM 8 her temperature. Jeanne was helping me as well.
 02 24 20PM 9 They asked for medical assistance. That
 02 24 23PM 10 is when we went over there, and that's when I found
 02 24 27PM 11 out Jeanne was a medical doctor. I told her I was
 02 24 28PM 12 an orthodontist. I we went to assist with Sidney,
 02 24 34PM 13 called for medical help.
 02 24 35PM 14 And so we went over there. There was
 02 24 38PM 15 mucus coming out of Sidney's nose and mouth. Her
 02 24 40PM 16 eyes were rolled back in her head. She wouldn't
 02 24 43PM 17 respond. She was barely, barely breathing. Just
 02 24 48PM 18 making this sound and not even gasping for air.
 02 24 52PM 19 Not enough would go in.
 02 24 54PM 20 We put water on her, blankets on her.
 02 24 57PM 21 She started shivering, and we had some -- paired
 02 25 04PM 22 some people up to talk with her, to pinch her hand
 02 25 06PM 23 and try and see if we could get something to
 02 25 07PM 24 happen.
 02 25 07PM 25 After I paired them up, they start

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02 25 09PM 1 calling for medical attention on the other side of
 02 25 11PM 2 the tent. And that's when I said, Jeanne, I would
 02 25 11PM 3 stay here with Sidney. And Jeanne left to go to
 02 25 18PM 4 the other side.
 02 25 21PM 5 Q. Did you stay with Sidney?
 02 25 24PM 6 A. I stayed with Sidney until I got the two
 02 25 26PM 7 paired up. But then when I went to get the
 02 25 27PM 8 blankets, I saw there was another woman, and she
 02 25 29PM 9 was lying actually on the dirt right in front of
 02 25 33PM 10 the tent.
 02 25 33PM 11 And I looked down, and she had -- she was
 02 25 37PM 12 lying on her arm, and her arm was turning blue like
 02 25 40PM 13 she was cutting off the circulation of her arm. So
 02 25 43PM 14 I asked for someone to please come and help me
 02 25 45PM 15 because I wanted to put her in the supine position.
 02 25 48PM 16 But she was unresponsive as well.
 02 25 51PM 17 And so I wanted to put her in a position
 02 25 53PM 18 where she wasn't cutting off the circulation. I
 02 25 56PM 19 asked that person if she could stay with her too
 02 25 58PM 20 because right next to her was another person, and I
 02 26 00PM 21 recognized him as Stephen Ray.
 02 26 03PM 22 And when I actually shook him, Stephen
 02 26 06PM 23 was responsive and Stephen turned over and had
 02 26 10PM 24 mucus and stuff coming out of his nose and mouth.
 02 26 12PM 25 Then he opened up his eyes, and all of his blood

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02 26 15PM 1 vessels had burst in his eyes.
 02 26 17PM 2 And that's when I called for assistance
 02 26 19PM 3 there. So I had someone come over, and I paired
 02 26 21PM 4 them up. And then that's when -- at that point in
 02 26 25PM 5 time I started looking for Kirby and also started
 02 26 28PM 6 looking for Julie.
 02 26 30PM 7 And I looked and I actually could see
 02 26 33PM 8 from where I had seen Stephen Ray, and I actually
 02 26 37PM 9 had looked over. I could see them doing chest
 02 26 41PM 10 compressions on James Shore. And I saw them doing
 02 26 44PM 11 chest compressions on James Shore.
 02 26 45PM 12 Q. Who did you see doing chest compressions?
 02 26 48PM 13 A. Barb.
 02 26 47PM 14 Q. Who is barb?
 02 26 48PM 15 A. One of the Dream Team members. And she
 02 26 51PM 16 was doing chest compressions on James Shore at the
 02 26 55PM 17 time. That's when I started looking for Kirby. It
 02 26 58PM 18 wasn't until I went to get more towels that I
 02 27 01PM 19 actually looked through the door of the tent. And
 02 27 04PM 20 they had lifted up the back of the tent where Kirby
 02 27 07PM 21 and James were. They lifted up the back of the
 02 27 10PM 22 tent and pulled them out.
 02 27 11PM 23 And I can see through the tent. And I
 02 27 14PM 24 can actually see -- I can actually see Kirby's
 02 27 20PM 25 stomach going up and down. And I recognize her

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02 27 24PM 1 **because I can see her in her bikini. I know it's**
 02 27 25PM 2 **her.**
 02 27 25PM 3 **Q.** Doctor, we can take a break for just a
 02 27 25PM 4 moment.
 02 27 31PM 5 **THE COURT:** We can do that. I'm having some
 02 27 31PM 6 technical problems here at the Bench, as it turns
 02 27 33PM 7 out. Let's take a brief recess. I want to
 02 27 37PM 8 straighten this out.
 02 27 38PM 9 Please remember the admonition. We'll
 02 27 40PM 10 start in 10 minutes or so.
 02 27 42PM 11 Thank you.
 02 53 52PM 12 (Recess.)
 02 53 52PM 13 **THE COURT:** The record will show the presence
 02 53 54PM 14 of the defendant, Mr. Ray; the attorneys; the jury
 02 53 58PM 15 and the witness. Dr. Bunn has returned to the
 02 54 03PM 16 witness stand.
 02 54 03PM 17 Mr. Hughes.
 02 54 04PM 18 **MR. HUGHES:** Thank you.
 02 54 05PM 19 **Q.** Doctor, I'm sorry for these questions. I
 02 54 09PM 20 know that this is emotional. If you do need to
 02 54 12PM 21 stop at any time, just let me know, and we can make
 02 54 18PM 22 a break for you.
 02 54 23PM 23 You gave us an overview of what you saw
 02 54 27PM 24 after you left the sweat lodge. And I think where
 02 54 32PM 25 we took the break you were describing what you saw
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02 54 36PM 1 to the rear of the sweat lodge.
 02 54 38PM 2 Is that correct?
 02 54 38PM 3 **A. Yes.**
 02 54 39PM 4 **Q.** Can you point out for us on Exhibit 144
 02 54 48PM 5 approximately where the location was that you saw
 02 54 54PM 6 the -- saw Kirby after the sweat lodge ceremony had
 02 54 59PM 7 ended, if you can.
 02 55 00PM 8 **A. I can't do that on this picture. You**
 02 55 08PM 9 **actually have to look through the door. I can**
 02 55 10PM 10 **point to the trees up there.**
 02 55 13PM 11 **Q.** Can you point or make a mark in the
 02 55 16PM 12 general area -- and it's fine if the mark is above
 02 55 20PM 13 the top of the sweat lodge -- but the general area
 02 55 22PM 14 where you would have seen Kirby.
 02 55 25PM 15 **A. I can't do it on that picture.**
 02 55 33PM 16 **Q.** Okay. That's fair enough. On that same
 02 55 43PM 17 exhibit you mentioned -- I'm going to go step by
 02 55 47PM 18 step through the things that you've been talking
 02 55 49PM 19 about. You mentioned Sidney was cooled down. What
 02 55 54PM 20 did you see that led you to believe that Sidney was
 02 55 58PM 21 cooled down?
 02 56 03PM 22 **A. Her body temperature was hot to the**
 02 56 06PM 23 **touch, but she was shivering.**
 02 56 08PM 24 **Q.** Did you actually touch Sidney while you
 04 56 09PM 25 were there on the tarp?
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02 56 10PM 1 **A. Yes. And she was covered in water.**
 02 56 12PM 2 **There was tons of water all around. She was laying**
 02 56 15PM 3 **in a pool of water.**
 02 56 16PM 4 **Q.** Did you see anybody with a hose or the
 02 56 18PM 5 bucket that led to that water?
 02 56 20PM 6 **A. Yeah.**
 02 56 21PM 7 **Q.** Who, if you recall, cooled Sidney down?
 02 56 27PM 8 **A. Christine, one of the Dream Team members,**
 02 56 31PM 9 **was the one in charge of filling up the buckets,**
 02 56 34PM 10 **from what I can recall.**
 02 56 36PM 11 **Q.** Do you recall approximately what time it
 02 56 41PM 12 was that you were able to see Sidney there with the
 02 56 45PM 13 water around her being cooled, the time on the
 02 56 49PM 14 clock?
 02 56 52PM 15 **A. It wasn't --**
 02 56 55PM 16 **Q.** That's a good point. I know you had no
 02 56 58PM 17 watch. But do you know what the time of the day or
 02 56 58PM 18 the night or the evening it was?
 02 56 59PM 19 **A. I got back to my cabin at 5:51.**
 02 57 05PM 20 **Q.** Do you know how much time passed from the
 02 57 09PM 21 time that you saw Sidney there being cooled down
 02 57 13PM 22 with the water to the time you arrived back in your
 02 57 15PM 23 cabin?
 02 57 27PM 24 **A. I'd say it's close to 5:30.**
 02 57 32PM 25 **Q.** Do you recall what the air temperature
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02 57 34PM 1 was like at that point after you had gotten out of
 02 57 40PM 2 the sweat lodge and were over there with Sidney on
 02 57 42PM 3 the tarp?
 02 57 43PM 4 **A. Fair. It was between 50 and 60 degrees**
 02 57 48PM 5 **outside.**
 02 57 49PM 6 **Q.** Did it feel cool to your skin?
 02 57 52PM 7 **A. Yes.**
 02 58 03PM 8 **Q.** Did you assist in putting any water to
 02 58 06PM 9 cool Sidney down?
 02 58 08PM 10 **A. Just on a cloth. We had a cloth we were**
 02 58 12PM 11 **putting water and putting to her forehead.**
 02 58 15PM 12 **Q.** And why is it that you were trying to
 02 58 17PM 13 cool Sidney down?
 02 58 19PM 14 **A. Her body felt like it was just**
 02 58 22PM 15 **overheated. And she was -- her skin was red, and**
 02 58 24PM 16 **we were just trying to get some coolness. When you**
 02 58 30PM 17 **feel, it feels like a fever. So you will cool it**
 02 58 34PM 18 **down with a cool cloth.**
 02 58 35PM 19 **Q.** After attending to Sidney for a while,
 02 58 38PM 20 did you see any medical people attending to Sidney?
 02 58 45PM 21 **A. There was no medical people there.**
 02 58 46PM 22 **Q.** Did you see any sort of a first-aid kit
 02 58 50PM 23 down there that could help Sidney?
 02 58 52PM 24 **A. The only first-aid kit I saw was a**
 02 58 58PM 25 **Tupperware of gauze and Band-aids. And I don't**
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02 58 00PM 1 think that could help Sidney at the time.

02 58 03PM 2 Q. Did you ever see Mr. Ray help Sidney?

02 58 05PM 3 A. No.

02 58 07PM 4 Q. What caused you to leave Sidney and move

02 58 10PM 5 to a different area?

02 58 13PM 6 A. Because I had -- Bret had come -- was

02 58 16PM 7 also -- was lying near Sidney. And then another

02 58 19PM 8 person was lying with Sidney. Sidney was with two

02 58 22PM 9 people at that time. And I was mobile. I was

02 58 25PM 10 calling for blankets and/or towels or anything to

02 58 28PM 11 cover her up because she was shivering when I went

02 58 31PM 12 there.

02 58 34PM 13 That's when I started looking around and

02 58 37PM 14 seeing this person, this person and another person.

02 58 40PM 15 Q. Did you see anything about Bret on the

02 58 43PM 16 tarp that led you to have concerns about his well

02 58 46PM 17 being?

02 58 49PM 18 A. Bret -- he was really concerned with

02 58 52PM 19 Sidney. So he was crying, and he was calling to

03 00 05PM 20 Sidney, please answer me. Please breath. Breathe.

03 00 08PM 21 And he would do samples of breathing to her. But

03 00 11PM 22 she just wouldn't respond at all. Physically he

03 00 14PM 23 lied there. He didn't try to get up. I didn't see

03 00 17PM 24 anything. And the way he was responding, he seemed

03 00 20PM 25 pretty coherent to what he was doing.

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03 00 18PM 1 Q. Was Sidney talking?

03 00 21PM 2 A. No.

03 00 24PM 3 Q. Were her eyes open?

03 00 27PM 4 A. No.

03 00 30PM 5 Q. Did you check her eyes?

03 00 33PM 6 A. I did check her eyes.

03 00 36PM 7 Q. What did you see?

03 00 39PM 8 A. They were rolled back in her head.

03 00 42PM 9 Q. After you went to get the towels, who is

03 00 45PM 10 the next person you saw that appeared to you to be

03 00 48PM 11 in distress?

03 00 51PM 12 A. The lady with the blue arm.

03 00 54PM 13 Q. Did you check on her vitals or stop and

03 00 57PM 14 assist her?

03 01 00PM 15 A. I stopped to assist her. But she was a

03 01 03PM 16 bit heavier person. So I asked someone to help me

03 01 06PM 17 with her as well. Again, we called out to her. We

03 01 09PM 18 pinched her, shook her to see if she was

03 01 12PM 19 responsive.

03 01 15PM 20 She wasn't -- she never acknowledged that

03 01 18PM 21 we were there. Again, mucus was coming out her

03 01 21PM 22 nose and mouth. Her eyes were closed.

03 01 24PM 23 Q. Do you have any idea at this point how

03 01 27PM 24 long it had been since you had exited the sweat

03 01 30PM 25 lodge?

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03 01 16PM 1 A. I had probably been out by that time

03 01 19PM 2 about 10 to 15 minutes.

03 01 22PM 3 Q. And could you feel -- when you tried to

03 01 25PM 4 move this woman, could you feel whether her skin --

03 01 28PM 5 how it felt?

03 01 31PM 6 A. I don't recall. Actually, I was more

03 01 34PM 7 concerned about her cutting off circulation of her

03 01 37PM 8 arm because she was really turning blue.

03 01 40PM 9 Q. Do you know -- did you see anything about

03 01 43PM 10 her that would lead you to believe she had been

03 01 46PM 11 cooled down with any water?

03 01 49PM 12 A. Everybody had water around them. So they

03 01 52PM 13 had been splashed with water.

03 01 55PM 14 Q. Did she appear to have wet skin?

03 01 58PM 15 A. All her clothing was wet.

03 02 01PM 16 Q. What caused you to leave that woman and

03 02 04PM 17 move on to the next location?

03 02 07PM 18 A. Because, again, I brought -- there was

03 02 10PM 19 one person that came over because they had helped

03 02 13PM 20 me to move her. And then another person was laying

03 02 16PM 21 by. And I said, you need to stay here with her.

03 02 19PM 22 And what I was concerned about, she was

03 02 22PM 23 turning blue but her lips were weren't turning

03 02 25PM 24 blue. So I was concerned that she wasn't -- but

03 02 28PM 25 then we turned her over, I realized the circulation

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03 02 38PM 1 was being cut off to her arm.

03 02 41PM 2 We put her in the supine position, and I

03 02 44PM 3 told her they would be stable here but you need to

03 02 47PM 4 work with her and feel her. We'll get some

03 02 50PM 5 blankets for her. Please stay with her.

03 02 53PM 6 And we would have them touching her ears

03 02 56PM 7 or pinching the back of the hand or pinching them

03 02 59PM 8 on the shoulder seeing if they would respond in any

03 03 02PM 9 way. We weren't getting any response and short,

03 03 05PM 10 short, short breaths.

03 03 08PM 11 Q. Is that something -- you said, we were

03 03 11PM 12 having. Is that something you asked the person by

03 03 14PM 13 this woman to do?

03 03 17PM 14 A. Yes.

03 03 20PM 15 Q. And why is it that you were asking that

03 03 23PM 16 person to try and pinch the woman's skin?

03 03 26PM 17 A. I was trying to get her to respond. It

03 03 29PM 18 was either pinching the skin or pinching by the

03 03 32PM 19 shoulders just to see if there is any kind of

03 03 35PM 20 response you can get or any kind of a reaction from

03 03 38PM 21 a jolt or anything from her, just knowing that she

03 03 41PM 22 was actually alive.

03 03 44PM 23 Q. Doctor, are you familiar with the AVPU

03 03 47PM 24 scale for level of consciousness?

03 03 50PM 25 A. No.

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03 03 36PM 1 Q. Is a pinching a person a way to try and
03 03 42PM 2 assess what level of consciousness they have?
03 03 45PM 3 A. **That's, to be honest with you, just basic**
03 03 48PM 4 **CPR, first aid.**

03 03 51PM 5 Q. Did you see any medical people at that
03 03 55PM 6 time helping this woman out?

03 03 57PM 7 A. **No.**

03 03 57PM 8 Q. Did you see Mr. Ray helping the woman
03 04 02PM 9 out?

03 04 02PM 10 A. **No.**

03 04 04PM 11 Q. Who was it, then, that you asked to help
03 04 07PM 12 this woman out?

03 04 08PM 13 A. **I don't recall who it was helping on that**
03 04 10PM 14 **one.**

03 04 10PM 15 Q. Did you indicate it was a man who was
03 04 13PM 16 laying there? In other words, where did you find
03 04 20PM 17 this volunteer that you pressed into service?

03 04 22PM 18 A. **That one actually was walking around.**
03 04 24PM 19 **That one -- we had to physically move this woman to**
03 04 27PM 20 **get her in the right position. So that person was**
03 04 31PM 21 **not lying next to her. She was in the dirt not**
03 04 34PM 22 **actually on the tarp.**

03 04 35PM 23 Q. Did you know whether there were any
03 04 37PM 24 medical people on the dream team?

03 04 44PM 25 A. **Not to my knowledge.**

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03 04 45PM 1 Q. Did you know whether there were any
03 04 48PM 2 medical people who were there at Spiritual Warrior
03 04 52PM 3 who were employees of Mr. Ray?

03 04 55PM 4 A. **No.**

03 05 00PM 5 Q. You mentioned you spoke to another doctor
03 05 03PM 6 at some point?

03 05 05PM 7 A. **Jeanne Armstrong is a doctor.**

03 05 07PM 8 Q. When did you learn that she was a doctor?

03 05 10PM 9 A. **Is when she called for medical assistance**
03 05 12PM 10 **to help with Sidney.**

03 05 13PM 11 Q. Who called for that medical assistance?

03 05 15PM 12 A. **I think it was Bret and possibly one of**
03 05 19PM 13 **the other Dream Team members. Because, I mean, she**
03 05 21PM 14 **was barely breathing at all.**

03 05 23PM 15 Q. What caused you eventually to leave the
03 05 28PM 16 woman you just described whose arm was turning
03 05 31PM 17 blue?

03 05 31PM 18 A. **I knew she was actually breathing, and I**
03 05 33PM 19 **knew she was -- but when I went to go get some more**
03 05 36PM 20 **blankets, I went to -- that's when I noticed there**
03 05 38PM 21 **is another person lying but -- on the ground. And**
03 05 40PM 22 **that's when I came on Stephen Ray. He was right in**
03 05 45PM 23 **front of her as well, right next to her not too**
03 05 48PM 24 **far.**

03 05 48PM 25 **She was, like, lying in this area, and**

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03 05 52PM 1 **Stephen Ray was here. And as I was going to go get**
03 05 55PM 2 **some more towels or I talked to Aaron for just a**
03 05 59PM 3 **moment, who was -- he was a Dream Team member. He**
03 06 05PM 4 **was also an assistant of some sort. Asking him is**
03 06 08PM 5 **this normal? Is this normal? This is crazy. Do**
03 06 11PM 6 **you understand that people are really in trouble**
03 06 14PM 7 **here?**

03 06 14PM 8 **And he stood there like a deer in**
03 06 18PM 9 **headlights not knowing what to do. Can you get**
03 06 19PM 10 **some blankets, more cold water? We need some help**
03 06 22PM 11 **with this person, this person, this person. And**
03 06 24PM 12 **that's when Stephen Ray turned and opened his eyes.**
03 06 27PM 13 **And I didn't know what to do because he just -- all**
03 06 31PM 14 **the blood vessels had burst in his eyeballs.**

03 06 34PM 15 Q. Did you hear Mr. Ray say anything?

03 06 37PM 16 A. **Stephen Ray?**

03 06 41PM 17 Q. Yes. Stephen Ray.

03 06 42PM 18 A. **He just looked at me. He responded. He**
03 06 45PM 19 **actually -- when I turned him over, he was**
03 06 48PM 20 **breathing. He responded, but he opened his eyes**
03 06 51PM 21 **and looked at me. I asked someone to stay with him**
03 06 54PM 22 **because he was scared.**

03 06 55PM 23 Q. You mentioned you turned him over. What
03 06 57PM 24 position was his body when you found him?

03 07 00PM 25 A. **On the side.**

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03 07 03PM 1 Q. And did you roll him over onto his back
03 07 06PM 2 then?

03 07 06PM 3 A. **I just rolled him over enough -- I shook**
03 07 09PM 4 **him and rolled him over enough and asked if he was**
03 07 11PM 5 **okay. He was by himself. That's when he turned**
03 07 14PM 6 **and looked up at me and opened his eyes.**

03 07 18PM 7 Q. Did he ever answer your query about
03 07 21PM 8 whether he was okay or not?

03 07 22PM 9 A. **He didn't say anything.**

03 07 24PM 10 Q. Did you ever see any medical people at
03 07 28PM 11 the time helping Mr. Stephen Ray?

03 07 31PM 12 A. **No.**

03 07 34PM 13 Q. Did you ever see the defendant help
03 07 36PM 14 Mr. Stephen Ray?

03 07 38PM 15 A. **No.**

03 07 38PM 16 Q. Do you know where the defendant was while
03 07 41PM 17 this was going on?

03 07 42PM 18 A. **He was on the other side of the tent.**

03 07 45PM 19 Q. And do you know what he was doing over
03 07 48PM 20 there? Could you see what he was doing?

03 07 50PM 21 A. **Yes.**

03 07 51PM 22 Q. Can you tell us what it is you saw him
03 07 53PM 23 doing.

03 07 53PM 24 A. **He was just standing there. He was**
03 07 57PM 25 **standing -- probably from where I can assess Kirby**

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03 08 02PM 1 was and James was, Mr. Ray was standing maybe 6 to
03 08 08PM 2 10 feet away from them. And he just stood there
03 08 12PM 3 watching them do CPR on Kirby and James.

03 08 16PM 4 I was watching him particularly because
03 08 20PM 5 as I was helping the other people then and looking
03 08 22PM 6 through the tent, found it was Kirby, I was waiting
03 08 25PM 7 for a reaction on Mr. Ray's face.

03 08 27PM 8 MR. KELLY: Your Honor, objection.

03 08 28PM 9 THE COURT: Sustained. I don't think there is
03 08 29PM 10 a question, Mr. Hughes.

03 08 33PM 11 Q. BY MR. HUGHES: Doctor, turning now to
03 08 35PM 12 Kirby, who is it that you saw performing CPR?

03 08 41PM 13 A. I know Jeanne was over there by that
03 08 43PM 14 time. And I know Jennifer was over there. And I
03 08 48PM 15 know Melinda was over there.

03 08 52PM 16 Q. Do you know Melinda's last name?

03 08 54PM 17 A. Martin.

03 08 55PM 18 Q. Do you know what her role was at
03 08 57PM 19 Spiritual Warrior? Was she a participant?

03 09 01PM 20 A. No. She was actually part of his staff.

03 09 03PM 21 Because I think she was an event coordinator.

03 09 07PM 22 Q. Did you walk over once you saw through
03 09 10PM 23 the sweat lodge that CPR was being performed?

03 09 16PM 24 A. I wasn't allowed to.

03 09 17PM 25 Q. What do you mean you weren't allowed to?
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03 09 19PM 1 A. I saw them doing CPR. And after helping
03 09 22PM 2 some of these people and saw they were paired up, I
03 09 25PM 3 know CPR. I know CPR. And Christine, the Dream
03 09 28PM 4 Team member, would not allow me to go over there.

03 09 31PM 5 I told her about 10 times I know CPR. I
03 09 34PM 6 know CPR. I knew they were getting tired. I can
03 09 36PM 7 go over there and help. She would not allow me to
03 09 38PM 8 go over there. She said, stay over here.

03 09 42PM 9 Q. Did you see anybody else receiving CPR at
03 09 46PM 10 that time?

03 09 48PM 11 A. Besides James and Kirby, no.

03 09 51PM 12 Q. And we've talked about Kirby. Could you
03 09 56PM 13 see who was performing CPR on Mr. Shore?

03 09 59PM 14 A. Barb. I think Barbara was performing
03 10 05PM 15 CPR.

03 10 08PM 16 Q. Could you tell about how far apart the
03 10 08PM 17 group was that was performing CPR on Kirby was from
03 10 12PM 18 the group that was performing CPR on Mr. Shore?

03 10 14PM 19 A. They were just a few feet apart, right
03 10 17PM 20 next to each other.

03 10 18PM 21 Q. Did you see anybody throwing up?

03 10 20PM 22 A. Inside the tent mostly.

03 10 31PM 23 Q. And are you referring to the sweat lodge?

03 10 34PM 24 A. Yes.

03 10 35PM 25 Q. When did you see people throw up inside

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03 10 37PM 1 the sweat lodge?

03 10 38PM 2 A. In the middle of rounds you would here
03 10 41PM 3 people spitting, throwing up or the people next to
03 10 44PM 4 you throw up.

03 10 52PM 5 Q. Did you see someone on the ground named
03 10 57PM 6 Christine?

03 10 58PM 7 A. I did.

03 11 01PM 8 Q. And was there anything unusual about
03 11 05PM 9 Christine as she was on the ground?

03 11 10PM 10 A. Christine was on the other side of
03 11 15PM 11 Sidney. And I was closer to the sweat lodge. And
03 11 19PM 12 Christine was having some sort of -- I don't know
03 11 22PM 13 if it was a fit. She was yelling and screaming and
03 11 28PM 14 kicking her legs in the air, and she was yelling
03 11 29PM 15 profanities, and she was yelling out, James Ray.
03 11 33PM 16 James Ray.

03 11 34PM 17 Q. Now, you mentioned she was somewhere in
03 11 38PM 18 the vicinity of Sidney. Can you point out, if you
03 11 44PM 19 can, on Exhibit 144 approximately where you saw
03 11 48PM 20 Christine on the ground.

03 11 52PM 21 A. She's above this or further out from
03 11 58PM 22 this.

03 11 59PM 23 Q. And do you know what Christine's last
03 12 01PM 24 name was?

03 12 01PM 25 A. Christine, the participant, no.
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03 12 07PM 1 Q. The woman that you were referring to who
03 12 09PM 2 was on the ground yelling -- was that Christine,
03 12 13PM 3 the participant?

03 12 14PM 4 A. Yes.

03 12 15PM 5 Q. Was there another Christine?

03 12 16PM 6 A. Christine -- I think it's Christine Jobe,
03 12 21PM 7 the Dream Team member, who wouldn't let me do CPR.

03 12 25PM 8 Q. Christine. Would you mind saying her
03 12 28PM 9 last name again.

03 12 29PM 10 A. Jobe.

03 12 31PM 11 Q. Do you know when the first EMS or
03 12 36PM 12 emergency medical service people arrived on scene?

03 12 44PM 13 A. The time was approximately 5:40, 5:45.

03 12 55PM 14 Q. Was it still light out?

03 12 58PM 15 A. It was dusk.

03 13 04PM 16 Q. At some point did you alert the
03 13 09PM 17 paramedics to some of the things you've told us
03 13 12PM 18 about?

03 13 12PM 19 A. Yes.

03 13 14PM 20 Q. How long -- did someone bring the
03 13 17PM 21 paramedics over to talk to you?

03 13 19PM 22 A. No.

03 13 22PM 23 Q. How is it that you came to alert the
03 13 24PM 24 paramedics about these things you've been talking
03 13 28PM 25 about?

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03 13 29PM 1 **A. When the paramedics came down the hill,**
 03 13 34PM 2 **there was two fire trucks. And they came down in**
 03 13 38PM 3 **the ambulance. And then they seemed to branch off.**
 03 13 43PM 4 **One of the paramedics, a female paramedic, was sent**
 03 13 48PM 5 **in my direction. And she happened to come straight**
 03 13 51PM 6 **over, asked us what happened.**

03 13 48PM 7 **And we took her straight to Sidney. And**
 03 13 51PM 8 **the others went to the other side where Kirby and**
 03 13 54PM 9 **James were.**

03 14 07PM 10 MR. KELLY: Your Honor, I'd stipulate to 230.

03 14 08PM 11 THE COURT: Exhibit 230 is admitted.

03 14 15PM 12 (Exhibit 230 admitted.)

03 14 15PM 13 MR. HUGHES: Your Honor, may I approach the
 03 14 18PM 14 witness?

03 14 18PM 15 THE COURT: Yes.

03 14 17PM 16 Q. BY MR. HUGHES: Doctor, I'm going to show
 03 14 19PM 17 you what's admitted as Exhibit 230 and ask you if
 03 14 22PM 18 you recognize what's depicted in the photograph?

03 14 28PM 19 A. **That's the aftermath of the sweat lodge.**

03 14 30PM 20 Q. Can you see the paramedics working in the
 03 14 33PM 21 photograph?

03 14 33PM 22 A. Yes.

03 14 45PM 23 MR. HUGHES: Your Honor, may I publish the
 03 14 47PM 24 exhibit?

03 14 47PM 25 THE COURT: Yes, you may.

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03 14 58PM 1 Q. BY MR. HUGHES: Can you tell us whether
 03 15 02PM 2 any of the people receiving CPR that you've talked
 03 15 08PM 3 about are depicted in this photograph.

03 15 17PM 4 A. **They're on the other side of the tent.**

03 15 21PM 5 Q. Can you tell us whether any of the people
 03 15 27PM 6 with medical problems that you've talked about are
 03 15 31PM 7 depicted in the photograph.

03 15 36PM 8 A. **There is medical people working on a**
 03 15 38PM 9 **person right there.**

03 15 40PM 10 Q. Was that one of the people you've talked
 03 15 42PM 11 about?

03 15 43PM 12 A. **I can't tell by the picture.**

03 15 50PM 13 Q. Would zooming in help a little?

03 16 08PM 14 A. **I can only see the feet.**

03 16 13PM 15 Q. Okay. Doctor, do you recognize anybody
 03 16 18PM 16 in the photograph?

04 16 21PM 17 A. **I do, but I've left by this time.**

03 16 24PM 18 Q. Can you tell us who you recognize in the
 03 16 26PM 19 photograph.

03 16 35PM 20 Would it help to see the original
 03 16 37PM 21 photograph?

03 16 37PM 22 A. **Probably.**

03 16 57PM 23 **The people that did the fire are hugging.**
 03 17 02PM 24 **There is Megan, Josh and James Ray and the person**
 03 17 12PM 25 **that was in charge of heating the rocks. This**

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03 17 26PM 1 **looks like Jennifer.**

03 17 30PM 2 Q. And, Doctor, once you're done looking, do
 03 17 34PM 3 you think you will be able to remember where those
 03 17 38PM 4 people are if we put it back up on the --

03 17 38PM 5 A. **And this is Sidney and Bret right there.**

03 17 46PM 6 Q. Can you tell us where it is that you saw
 03 17 50PM 7 Sidney and Bret on the photograph.

03 17 55PM 8 A. **They're right here.**

03 17 57PM 9 Q. Does that help to orientate you as to
 03 18 00PM 10 where the different events took place?

03 18 04PM 11 A. **I think that's the same as I described**
 03 18 07PM 12 **them earlier.**

03 18 08PM 13 Q. You mentioned some other people that you
 03 18 11PM 14 could recognize in the photograph. Can you point
 03 18 13PM 15 them out for us.

03 18 14PM 16 A. **This is the -- I think it's the wife of**
 03 18 19PM 17 **the fire starter and the daughter. They were in**
 03 18 22PM 18 **charge of the fire and heating the rocks. And this**
 03 18 25PM 19 **appears to be Megan and Josh. And this is James**
 03 18 30PM 20 **Ray. And the person right here looks like**
 03 18 37PM 21 **Jennifer. And that's all I can recognize other**
 03 18 41PM 22 **than there is paramedic, paramedic, paramedic.**

03 18 44PM 23 Q. You mentioned the wife and the daughter
 03 18 46PM 24 of the people who were heating the rocks. Can you
 03 18 50PM 25 tell us a little bit about who you observed heating

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03 18 54PM 1 the rocks for the sweat lodge ceremony.

03 19 01PM 2 A. **Ted was introduced to us. And he's**
 03 19 06PM 3 **actually standing just in front of James Ray right**
 03 19 09PM 4 **there. And he was introduced to us right before we**
 03 19 14PM 5 **went into the sweat lodge and said that he had done**
 03 19 17PM 6 **this for several years and he had been in charge of**
 03 19 21PM 7 **making sure the rocks were there and they were**
 03 19 23PM 8 **heated. And he did the fire on the outside where**
 03 19 26PM 9 **the rocks were heated. And he did our other fire**
 03 19 28PM 10 **where we burned our journals as well.**

03 19 30PM 11 Q. Did Ted -- do you know Ted's last name?

03 19 35PM 12 A. **Mercer I think it was.**

03 19 38PM 13 Q. And you indicated that his wife and
 03 19 40PM 14 daughter are also in the photograph?

03 19 41PM 15 A. **I think this is them hugging here, from**
 03 19 44PM 16 **what I can remember.**

03 19 45PM 17 Q. And then you mentioned someone named
 03 19 47PM 18 Megan and Josh. Do you know what their last names
 03 19 52PM 19 are?

03 19 52PM 20 A. **Fredrickson.**

03 19 54PM 21 Q. And do you know whether they were
 03 19 57PM 22 participants at the sweat lodge?

03 19 59PM 23 A. **They both worked for James Ray.**

03 20 01PM 24 Q. Were they Dream Team members or were they
 03 20 03PM 25 employees of Mr. Ray?

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03 20 04PM 1 **A. Employees of Mr. Ray.**
 03 20 05PM 2 **Q. And where are they?**
 03 20 07PM 3 **A. This is Josh, and this looks like Megan.**
 03 20 08PM 4 **Q. And then you mentioned that you**
 03 20 09PM 5 **recognized some of the people down on the tarp.**
 03 20 28PM 6 **Now that I've zoomed in, can you show us who those**
 03 20 33PM 7 **people are.**
 03 20 33PM 8 **A. This right here is Sidney, and this is**
 03 20 37PM 9 **Bret. And I don't recall this gentleman's name.**
 03 20 45PM 10 **Q. Are these buckets some of the buckets you**
 03 20 48PM 11 **referred to earlier that were used to cool people**
 03 20 50PM 12 **down?**
 03 20 52PM 13 **A. Yes.**
 03 20 57PM 14 **Q. At what point, Doctor, did you leave the**
 03 21 05PM 15 **area of the sweat lodge?**
 03 21 08PM 16 **A. Right after the first round of paramedics**
 03 21 12PM 17 **had got there and the first helicopter arrived.**
 03 21 16PM 18 **Everything kind of seemed to arrive at the same**
 03 21 18PM 19 **time. And they told us now that the paramedics are**
 03 21 21PM 20 **here, please buddy up, grab a partner and head back**
 03 21 24PM 21 **to your cabin if you can.**
 03 21 27PM 22 **Q. Were people walking to their cabins?**
 03 21 30PM 23 **A. We were.**
 03 21 32PM 24 **Q. And did some people use golf carts?**
 03 21 38PM 25 **A. Yes.**

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03 21 40PM 1 **Q. And which way did you use to leave the**
 03 21 43PM 2 **area?**
 03 21 43PM 3 **A. I partnered with my roommate, Julie, and**
 03 21 47PM 4 **we were walking back to our cabin.**
 03 21 50PM 5 **Q. And on the way back to your cabin, did**
 03 21 54PM 6 **you come across someone in a golf cart?**
 03 21 57PM 7 **A. They drove up on us, and they drove -- I**
 03 22 04PM 8 **don't recall who the driver was. But the girl was**
 03 22 06PM 9 **Christine, the girl that was yelling and screaming**
 03 22 08PM 10 **and kicking her legs and yelling profanities in the**
 03 22 12PM 11 **background.**
 03 22 13PM 12 **They drove up with her, and she was in**
 03 22 16PM 13 **the golf cart. Her eyes were huge, pupils were all**
 03 22 20PM 14 **dilated. She wouldn't talk. I talked to her,**
 03 22 24PM 15 **talked to her. What's going on?**
 03 22 25PM 16 **I run into the cabin that was right there**
 03 22 28PM 17 **and I grabbed a bed spread off the cabin. And I**
 03 22 31PM 18 **put it on her and told the person driving the golf**
 03 22 34PM 19 **cart -- I said, we have medical assistance. Get**
 03 22 36PM 20 **her back and get her in the ambulance and have her**
 03 22 38PM 21 **taken to the hospital.**
 03 22 42PM 22 **Q. Now, you said pupils were dilated. Can**
 03 22 46PM 23 **you tell us what that means in regular nondoctor**
 03 22 46PM 24 **words.**
 03 22 46PM 25 **A. Means the black part of the inside of**

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03 22 49PM 1 **your eye is enlarged.**
 03 22 58PM 2 **Q. At some point after leaving the area**
 03 23 03PM 3 **around the sweat lodge, did you come across someone**
 03 23 07PM 4 **named Amy?**
 03 23 10PM 5 **A. Amy was in my cabin.**
 03 23 13PM 6 **Q. Was she the buddy that you were coming**
 03 23 15PM 7 **back to the cabin with?**
 03 23 18PM 8 **A. No. I came back with Julie.**
 03 23 19PM 9 **Q. And did you notice anything about Amy**
 03 23 23PM 10 **after you got back to your cabin or later that**
 03 23 28PM 11 **night that seemed out of the ordinary?**
 03 23 28PM 12 **A. Amy was really, really sick.**
 03 23 32PM 13 **Q. What do you mean by that?**
 03 23 33PM 14 **A. She had a garbage pail next to her bed**
 03 23 38PM 15 **and was throwing up, throwing up, throwing up.**
 03 23 40PM 16 **Q. Do you know whether Amy had lunch that**
 03 23 43PM 17 **day?**
 03 23 43PM 18 **A. She did not. She didn't have breakfast**
 03 23 45PM 19 **either.**
 03 23 46PM 20 **Q. And had you had lunch that day?**
 03 23 47PM 21 **A. No.**
 03 23 48PM 22 **Q. Did you have breakfast?**
 03 23 50PM 23 **A. Yes.**
 03 23 50PM 24 **Q. What did you eat for breakfast?**
 03 23 52PM 25 **A. I usually had oatmeal and a boiled egg**

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03 23 57PM 1 **and some almonds and some berries.**
 03 24 01PM 2 **Q. Was that food served to you by**
 03 24 04PM 3 **Angel Valley?**
 03 24 05PM 4 **A. They prepared it for us in the dinner**
 03 24 07PM 5 **hall. Yes.**
 03 24 14PM 6 **Q. Did you drink any water prior to going**
 03 24 19PM 7 **into the sweat lodge?**
 03 24 21PM 8 **A. Yes.**
 03 24 22PM 9 **Q. And where did you get the water from?**
 03 24 24PM 10 **A. From the water bottle that was provided**
 03 24 28PM 11 **for us.**
 03 24 28PM 12 **Q. Did you ever fill your water bottle up?**
 03 24 31PM 13 **A. All the time.**
 03 24 32PM 14 **Q. Did you use the well water on the**
 03 24 34PM 15 **property?**
 03 24 34PM 16 **A. No. They had bottled containers at the**
 03 24 38PM 17 **back of the lecture hall and in the dinner hall.**
 03 24 43PM 18 **Q. Did you ever drink any of the water that**
 03 24 46PM 19 **was down next to the sweat lodge?**
 03 24 48PM 20 **A. There wasn't water. It was electrolytes.**
 03 24 56PM 21 **Q. Did you ever drink any of that?**
 03 24 58PM 22 **A. I did.**
 03 25 01PM 23 **Q. Did you ever get sick that night?**
 03 25 03PM 24 **A. No.**
 03 25 14PM 25 **Q. You've mentioned your other two**

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03 25 18PM 1 roommates. Did you ever see Kirby Brown again
03 25 20PM 2 after leaving her at the area of the sweat lodge?
03 25 25PM 3 **A. No, I did not.**
03 25 28PM 4 **Q.** Do you know whether Kirby had shaved her
03 25 30PM 5 head during the week?
03 25 48PM 6 **A. I do.**
03 25 50PM 7 **Q.** Had she?
03 25 51PM 8 **A. Yes.**
03 25 51PM 9 **Q.** Do you know whether Kirby had played full
03 25 54PM 10 on that week?
03 25 55PM 11 MR. KELLY: Your Honor, objection.
03 25 56PM 12 THE COURT: Sustained.
03 26 00PM 13 **Q.** BY MR. HUGHES: Did you observe Kirby
03 26 02PM 14 participating in the events that week?
03 26 05PM 15 **A. To her fullest.**
03 26 26PM 16 **Q.** Doctor, you mentioned toward the
03 26 29PM 17 beginning of today, seems like a long time ago now,
03 26 32PM 18 that you had been told about heat-related illnesses
03 26 38PM 19 by a guide in the Grand Canyon. Do you recall
03 26 41PM 20 that?
03 26 41PM 21 **A. Yes.**
03 26 42PM 22 **Q.** Did the information that you knew about
03 26 52PM 23 concern you at any time as you were inside the
03 26 55PM 24 sweat lodge?
03 26 56PM 25 **A. What concerned me was that I knew there**
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03 27 02PM 1 **were people that were overweight. I also knew**
03 27 04PM 2 **there was people with high blood pressure and**
03 27 06PM 3 **medical conditions. And I also knew you weren't**
03 27 10PM 4 **supposed to expose yourself to more than 20 to 30**
03 27 13PM 5 **minutes of high heat or temperatures or sauna or**
03 27 18PM 6 **steam baths for longer than 20 to 30 minutes. We**
03 27 20PM 7 **were told we were going to be there two to three**
03 27 22PM 8 **hours.**
03 27 23PM 9 **Q.** Did you ever speak up about those
03 27 25PM 10 concerns?
03 27 26PM 11 **A. I did not.**
03 27 27PM 12 **Q.** Why is that, if you know?
03 27 30PM 13 **A. I was there as a participant not as a**
03 27 37PM 14 **rule maker.**
03 27 40PM 15 **Q.** Did you believe that you were there when
03 27 45PM 16 you arrived that week to provide medical care to
03 27 48PM 17 people?
03 27 49PM 18 **A. I never told anybody I was an**
03 27 55PM 19 **orthodontist.**
03 27 57PM 20 **Q.** Did you believe you were there trying to
03 27 59PM 21 help save the people inside the sweat lodge?
03 28 02PM 22 **A. No.**
03 28 02PM 23 **Q.** Did you believe the defendant knew how to
03 28 10PM 24 run a safe sweat lodge?
03 28 12PM 25 MR. KELLY: Your Honor, object. Foundation.
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03 28 18PM 1 THE COURT: Overruled.
03 28 18PM 2 You may answer that.
03 28 18PM 3 THE WITNESS: Based on the fact that he had
03 28 20PM 4 done this and claimed to have done it for seven
03 28 22PM 5 years, that's all I had knowledge of.
03 28 26PM 6 **Q.** BY MR. HUGHES: Did Mr. Ray ever tell you
03 28 31PM 7 or the participant where the source of his
03 28 34PM 8 knowledge had come from for running sweat lodges?
03 28 38PM 9 **A. He said he had studied with many of the**
03 28 41PM 10 **native Indians.**
03 28 50PM 11 **Q.** Had you seen a photograph of Mr. Ray --
03 29 00PM 12 let me rephrase that. Did Mr. Ray show you a
03 29 03PM 13 photograph where he was with people who appeared to
03 29 10PM 14 be Native American?
03 29 12PM 15 MR. KELLY: Your Honor, objection. Relevance.
03 29 14PM 16 THE COURT: Overruled.
03 29 15PM 17 You may answer that.
03 29 16PM 18 THE WITNESS: Yes. Mr. Ray has a huge slide
03 29 20PM 19 show that he shows at Harmonic Wealth Weekend.
03 29 23PM 20 Shows him with all different types of people,
03 29 26PM 21 including Native American people.
03 29 28PM 22 MR. KELLY: Your Honor, same objection. I'd
03 29 30PM 23 ask the answer be stricken.
03 29 33PM 24 THE COURT: Overruled.
03 29 35PM 25 **Q.** BY MR. HUGHES: Did that influence your
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03 29 41PM 1 opinion that Mr. Ray knew how to run a safe sweat
03 29 44PM 2 lodge?
03 29 45PM 3 **A. No.**
03 29 48PM 4 **Q.** What, if anything, influenced your
03 29 52PM 5 opinion about whether he could run a safe sweat
03 29 55PM 6 lodge?
03 29 55PM 7 MR. KELLY: Your Honor, it's been asked and
03 29 58PM 8 answered.
03 29 58PM 9 THE COURT: Overruled.
03 29 58PM 10 You may answer that.
03 30 03PM 11 THE WITNESS: I didn't question Mr. Ray.
03 30 08PM 12 **Q.** BY MR. HUGHES: I'm sorry. I didn't hear
03 30 09PM 13 your answer.
03 30 10PM 14 **A. I didn't question Mr. Ray at this time.**
03 30 12PM 15 **Q.** Why didn't you question Mr. Ray? Did you
03 30 18PM 16 feel --
03 30 19PM 17 MR. KELLY: Objection. He asked a question.
03 30 21PM 18 THE COURT: There's a pending question,
03 30 23PM 19 Mr. Hughes.
03 30 28PM 20 **Q.** BY MR. HUGHES: Doctor, the question was
03 30 30PM 21 why didn't you question Mr. Ray, if you know?
03 30 35PM 22 **A. You learn through the course of the week**
03 30 41PM 23 **that you don't question Mr. Ray on anything. You**
03 30 44PM 24 **do -- you know what the rules are. He tells you**
03 30 49PM 25 **what the rules are. Things are not optional.**
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03 30 54PM 1 **As you go through the week, you learn**
 03 30 56PM 2 **that there is consequences or reprimand or**
 03 31 05PM 3 **something for you to be called out in front of all**
 03 31 07PM 4 **the people you're there with if you question**
 03 31 09PM 5 **Mr. Ray or you don't do as he says or you don't**
 03 31 13PM 6 **play full on.**

03 31 15PM 7 **Q.** Was that something you had seen not just
 03 31 18PM 8 during the Spiritual Warrior week but in the
 03 31 21PM 9 previous course that you attended?

03 31 23PM 10 **A. Yes.**

03 31 24PM 11 **Q.** Do you recall what Mr. Ray did
 03 31 43PM 12 immediately after he exited the sweat lodge?

03 31 46PM 13 **MR. KELLY:** Your Honor, that's been asked and
 03 31 54PM 14 answered.

03 31 57PM 15 **THE COURT:** Overruled.

03 32 00PM 16 **THE WITNESS:** No, I do not.

03 32 00PM 17 **Q.** BY MR. HUGHES: Doctor, did any of the
 03 32 14PM 18 events that you participated in during the week of
 03 32 19PM 19 Spiritual Warrior affect you or your decision to
 03 32 26PM 20 stay inside the sweat lodge?

03 32 27PM 21 **MR. KELLY:** Your Honor, objection. Relevance.
 03 32 29PM 22 Also been discussed.

03 32 31PM 23 **THE COURT:** Overruled.

03 32 32PM 24 You may answer that.

03 32 36PM 25 **THE WITNESS:** Yes.

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03 32 37PM 1 **THE COURT:** I'm sorry. I talked over the --
 03 32 40PM 2 go ahead and answer, ma'am.

03 32 42PM 3 **THE WITNESS:** Yes.

03 32 44PM 4 **Q.** BY MR. HUGHES: Can you tell us what the
 03 32 47PM 5 events were that influenced you as you were in the
 03 32 51PM 6 sweat lodge?

03 32 55PM 7 **A. Can you repeat the question.**

03 32 59PM 8 **Q.** Do you recall any specific events from
 03 33 03PM 9 the Spiritual Warrior week that influenced you once
 03 33 07PM 10 you were inside that sweat lodge?

03 33 09PM 11 **A. The whole week influenced me.**

03 33 11PM 12 **Q.** How did it influence you?

03 33 23PM 13 **A. That the motto for the whole week was to**
 03 33 33PM 14 **play full on, play full on. And you just don't**
 03 33 39PM 15 **feel right if you don't play full on.**

03 33 41PM 16 **When I was going from the east side to**
 03 33 44PM 17 **the west side of the tent and James said, you're**
 03 33 47PM 18 **definitely stronger than that, I'd been working**
 03 33 49PM 19 **with him. I don't want to let him down at that**
 03 33 51PM 20 **point in time.**

03 33 52PM 21 **You have to understand as we go through**
 03 33 58PM 22 **the week, there is different things that happen as**
 03 34 00PM 23 **you go through the week and if you don't do it**
 03 34 03PM 24 **right, as I explained.**

03 34 03PM 25 **MR. KELLY:** Your Honor, I'm going to object.

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03 34 06PM 1 Again, the witness as to the state of mind of other
 03 34 12PM 2 participant.

03 34 13PM 3 **THE COURT:** Sustained.

03 34 18PM 4 **Q.** BY MR. HUGHES: Doctor, did -- you
 03 34 25PM 5 testified a moment ago that you learned throughout
 03 34 39PM 6 that week not to question Mr. Ray. Did the events
 03 34 44PM 7 of that week lead you to that conclusion?

03 34 51PM 8 **MR. KELLY:** Your Honor, asked and answered.

03 34 52PM 9 **THE COURT:** Sustained.

03 35 02PM 10 **Q.** BY MR. HUGHES: When you were outside the
 03 35 21PM 11 sweat lodge, did you ever see the defendant laying
 03 35 25PM 12 in the dirt?

03 35 28PM 13 **A. No.**

03 35 29PM 14 **Q.** Did you ever see Liz Neuman outside the
 03 35 35PM 15 sweat lodge?

03 35 36PM 16 **A. No, I did not.**

03 35 54PM 17 **Q.** Did you ever see Mr. Ray go up to the
 03 36 01PM 18 paramedics or the EMTs and offer them any
 03 36 05PM 19 information?

03 36 07PM 20 **MR. KELLY:** Your Honor, objection. Lack of
 03 36 09PM 21 foundation.

03 36 10PM 22 **THE COURT:** It's a yes or no. You can answer
 03 36 13PM 23 in that fashion.

03 36 14PM 24 **THE WITNESS:** I did not see him.

03 36 18PM 25 **MR. HUGHES:** Thank you, Doctor.

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03 36 28PM 1 **THE COURT:** Thank you, Counsel.

03 36 28PM 2 **Mr. Kelly.**

03 36 29PM 3 **MR. KELLY:** Thank you, Judge.

03 36 29PM 4 **CROSS-EXAMINATION**

03 36 29PM 5 **BY MR. KELLY:**

03 36 33PM 6 **Q.** I'm Tom Kelly. I represent Mr. Ray along
 03 36 37PM 7 with Mr. Li. You and I have never met; correct?

03 36 40PM 8 **A. Right.**

03 36 40PM 9 **Q.** We've never discussed this matter by
 03 36 43PM 10 telephone; correct?

03 36 44PM 11 **A. Correct.**

03 36 46PM 12 **Q.** Now, I understand that you were
 03 36 48PM 13 interviewed on several occasions shortly after the
 03 36 51PM 14 incident involving the sweat lodge. Correct?

03 36 54PM 15 **A. Correct.**

03 36 54PM 16 **Q.** I believe you were interviewed that
 03 36 56PM 17 evening, October 8. Correct?

03 36 58PM 18 **A. Correct.**

03 37 00PM 19 **Q.** And you were interviewed on October 15,
 03 37 03PM 20 2009, by Detective Shonna Willingham. Do you
 03 37 08PM 21 recall that?

03 37 09PM 22 **A. I do.**

03 37 09PM 23 **Q.** Have you had a chance to read your
 03 37 11PM 24 transcripts that have been prepared from those
 03 37 14PM 25 audiotaped interviews?

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03 37 16PM 1 **A. I've read the one from Shonna Willingham.**

03 37 20PM 2 **Q.** In it Shonna Willingham says that she's

03 37 23PM 3 concerned about your emotional state and asked you

03 37 27PM 4 to seek a counselor. Do you recall her making that

03 37 30PM 5 statement?

03 37 30PM 6 **A. No, I do not.**

03 37 31PM 7 **Q.** Have you sought any counseling after this

03 37 33PM 8 incident?

03 37 33PM 9 **A. I visited a counselor twice.**

03 37 36PM 10 **Q.** It's really bothered you; correct?

03 37 38PM 11 **A. Yes.**

03 37 41PM 12 **Q.** And, in fact, I think we saw that a

03 37 43PM 13 couple of hours ago that these folks were -- some

03 37 48PM 14 of these folks were your friends, such as Kirby.

03 37 51PM 15 You got to know them throughout the course of this

03 37 54PM 16 seminar. And, of course, we have this incredible

03 37 58PM 17 tragedy where some of them got hurt and some died;

03 38 01PM 18 correct?

03 38 01PM 19 **A. Correct.**

03 38 02PM 20 **Q.** And that's very difficult for you;

03 38 03PM 21 correct?

03 38 04PM 22 **A. Correct.**

03 38 05PM 23 **Q.** In addition to those two interviews,

03 38 10PM 24 ma'am, have you had a chance to read any of the

03 38 14PM 25 police reports or other prepared statements in this

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03 38 18PM 1 case?

03 38 18PM 2 **A. I have not.**

03 38 23PM 3 **Q.** Have you been on line and done any

03 38 26PM 4 individual or independent research about

03 38 28PM 5 information provided from other witnesses?

03 38 32PM 6 **A. Not provided from other witnesses, but I**

03 38 36PM 7 **read some statements about some other articles that**

03 38 38PM 8 **were written in newspaper, magazines.**

03 38 40PM 9 **Q.** You did have some information from some

03 38 42PM 10 additional sources; correct?

03 38 44PM 11 **A. Correct. Most people stating --**

03 38 47PM 12 **Q.** And the reason I ask that question,

03 38 50PM 13 ma'am, is your statement today, which has now taken

03 38 55PM 14 quite some time, six, seven hours, is much, much

03 38 58PM 15 more detailed than the two interviews you provided

03 39 02PM 16 to the police back on October of 2009; correct?

03 39 05PM 17 **A. Pretty similar.**

03 39 08PM 18 **Q.** Pardon me?

03 39 08PM 19 **A. I feel it's similar to my interview with**

03 39 13PM 20 **Shonna Willingham.**

03 39 14PM 21 **Q.** It's much, much more detailed; correct?

03 39 19PM 22 **A. I haven't read the whole, entire**

03 39 22PM 23 **transcript from Shonna Willingham. She said she**

03 39 25PM 24 **shortened it with some notes. If I wanted to hear**

03 39 25PM 25 **the whole thing, I had to contact the department.**

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03 39 28PM 1 **I spoke with her for several hours.**

03 39 37PM 2 **Q.** The interview indicates that you spoke

03 39 38PM 3 with her for an hour and 39 minutes.

03 39 42PM 4 **A. Okay.**

03 39 43PM 5 **Q.** The interview on October 8 is much more

03 39 45PM 6 brief with Detective Parkinson. 16 minutes and 42

03 39 56PM 7 seconds; correct?

03 39 56PM 8 **A. Uh-huh.**

03 39 57PM 9 **Q.** You have to say yes. This lady is

03 40 00PM 10 writing everything down.

03 40 02PM 11 **You're a dentist, an orthodontist,**

03 40 10PM 12 **licensed by the State of Texas; correct?**

03 40 11PM 13 **A. Yes.**

03 40 12PM 14 **Q.** And you've practiced dentistry and

03 40 14PM 15 orthodontics in Texas for how long?

03 40 17PM 16 **A. Going on 12 years.**

03 40 18PM 17 **Q.** Do you recall -- you told us on direct

03 40 35PM 18 several hours ago you downloaded from the internet

03 40 38PM 19 a participant guide when you made the decision to

03 40 43PM 20 go to the Spiritual Warrior.

03 40 44PM 21 **Do you recall that testimony?**

03 40 45PM 22 **A. That's what I was instructed to do.**

03 40 48PM 23 **MR. KELLY: May I approach, Judge?**

03 40 49PM 24 **THE COURT: Yes.**

03 40 50PM 25 **Q. BY MR. KELLY: I'm going to hand you**

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03 40 52PM 1 what's been admitted as Exhibit 199 and ask you

03 40 55PM 2 whether that refreshes your recollection as to the

03 40 58PM 3 participant guide that you downloaded before you

03 41 02PM 4 went to Spiritual Warrior?

03 41 04PM 5 **A. Yes.**

03 41 06PM 6 **Q.** So is it identical with the exception of

03 41 10PM 7 the handwritten notes, which I understand are not

03 41 12PM 8 yours? Take a moment and look through that

02 41 15PM 9 participant guide.

03 42 18PM 10 **A. There's at least one page missing.**

03 42 24PM 11 **Q.** Does that appear to be similar to the

03 42 28PM 12 participant guide that you downloaded off the

03 42 30PM 13 internet?

03 42 31PM 14 **A. I haven't read it word for word, but it**

03 42 34PM 15 **appears to be similar.**

03 42 35PM 16 **Q.** You told us during your direct testimony

03 42 38PM 17 that you in this participant guide were provided

03 42 41PM 18 direction in regards to what to wear, what to

03 42 45PM 19 bring, things of that nature; correct?

03 42 47PM 20 **A. That's the page that's missing.**

03 42 48PM 21 **Q.** And, of course, you don't have the

03 42 52PM 22 advantage of looking at it with me. But it tells

03 42 54PM 23 you the arrival and departure dates, daily

03 42 58PM 24 schedule, preparation, required reading, et cetera;

03 43 02PM 25 correct?

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03 43 03PM 1 **A. Uh-huh.**
 03 43 04PM 2 **Q.** Is that yes?
 03 43 04PM 3 **A. Yes.**
 03 43 05PM 4 **Q.** How much in advance of October of 2009 do
 03 43 06PM 5 you believe you downloaded this document?
 03 43 15PM 6 **A. Almost three months.**
 03 43 17PM 7 **Q.** Okay.
 03 43 18PM 8 May I approach, Judge?
 03 43 20PM 9 THE COURT: Yes.
 03 43 31PM 10 **Q.** BY MR. KELLY: Doctor, let me hand you
 03 43 32PM 11 what's been admitted as 736 and ask you, that is an
 03 43 36PM 12 unmarked complete copy of the participant guide;
 03 43 40PM 13 correct?
 03 43 41PM 14 **A. Yes. This appears to be more complete.**
 03 44 00PM 15 **Q.** If you flip through Exhibit 736, back
 03 44 43PM 16 towards the back of the document is a copy of a
 03 44 56PM 17 Spiritual Warrior release waiver of liability, of
 03 44 59PM 18 assumption of risk, indemnity agreement and
 03 45 04PM 19 disclaimer; correct?
 03 45 18PM 20 **A. Correct.**
 03 45 18PM 21 **Q.** And that document you had some three
 03 45 23PM 22 months prior to showing up in Sedona on
 03 45 28PM 23 October 3rd, 2009; correct?
 03 45 28PM 24 **A. I did.**
 03 45 29PM 25 **Q.** And that document notifies you that, in
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03 45 35PM 1 fact, there are going to be high-risk activities
 03 45 38PM 2 such as Holotropic Breathwork; a sweat lodge
 03 45 44PM 3 ceremony, which is a ceremonial sauna involving
 03 45 51PM 4 tight, enclosed spaces and intense temperatures; a
 03 45 55PM 5 Vision Quest, which is a multiday solitary personal
 03 45 58PM 6 and spiritual quest in the wilderness without food
 03 46 01PM 7 or water; correct?
 03 46 02PM 8 **A. Correct.**
 03 46 03PM 9 **Q.** Now, as a dentist licensed by the State
 03 46 07PM 10 of Texas, when your patients come and in prior to
 03 46 12PM 11 your work, you are required and you, in fact,
 03 46 15PM 12 provide an informed consent document before you
 03 46 21PM 13 begin your medical work; correct?
 03 46 23PM 14 **A. I do.**
 03 46 23PM 15 **Q.** And you expect that your patients will
 03 46 26PM 16 read that document before they sign it; correct?
 03 46 28PM 17 **A. I'm not going to answer on behalf of my**
 03 46 30PM 18 **patients.**
 03 46 31PM 19 **Q.** I'm asking you what you expect, not what
 03 46 33PM 20 they are going to do. You expect that your
 03 46 36PM 21 patients will read that document before they sign
 03 46 39PM 22 it; correct?
 03 46 39PM 23 **A. Yes.**
 03 46 47PM 24 **Q.** Now, ma'am, I'm going to hand you what's
 03 46 58PM 25 been marked as Exhibit 170 and ask you whether your
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03 47 11PM 1 signature appears on that release dated
 03 47 14PM 2 October 3rd, 2009?
 03 47 17PM 3 **A. It does.**
 03 47 19PM 4 MR. KELLY: Your Honor, I'd move to admit 170.
 03 47 22PM 5 THE COURT: What's the number?
 03 47 24PM 6 MR. KELLY: 170, sir.
 03 47 25PM 7 MR. HUGHES: May I see it?
 03 47 51PM 8 Your Honor, the state would stipulate to
 03 47 54PM 9 the admission of Exhibit 170.
 03 47 56PM 10 THE COURT: 170 is admitted.
 03 47 56PM 11 (Exhibit 170 admitted.)
 03 47 59PM 12 THE COURT: What about 736?
 03 48 02PM 13 MR. KELLY: Judge, it's our understanding it
 03 48 04PM 14 was admitted on the first day with Ms. Phillips.
 03 48 07PM 15 But I could be mistaken, Judge. If so I'd ask to
 03 48 11PM 16 admit it.
 03 48 12PM 17 MR. HUGHES: Your Honor, I believe it has been
 03 48 14PM 18 admitted.
 03 48 20PM 19 THE COURT: Yes.
 03 48 22PM 20 MR. HUGHES: Your Honor, the state would also
 03 48 25PM 21 stipulate to the admission of Exhibit 171.
 03 48 28PM 22 THE COURT: 171 is also admitted.
 03 48 31PM 23 (Exhibit 171 admitted.)
 03 48 33PM 24 MR. KELLY: May I publish, Judge?
 03 48 35PM 25 THE COURT: Yes.
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03 48 37PM 1 **Q.** BY MR. KELLY: Dr. Bunn, on the overhead
 03 48 41PM 2 is Exhibit 171, which is the release waiver of
 03 48 47PM 3 liability, assumption of risk, indemnity agreement
 03 48 51PM 4 and disclaimer, which you signed on October 3rd,
 03 48 55PM 5 2009; correct?
 03 48 55PM 6 **A. Correct.**
 03 48 58PM 7 **Q.** And, again, I won't reread the paragraph,
 03 49 00PM 8 but it is identical to the form you were provided
 03 49 06PM 9 in the Spiritual Warrior participant guide;
 03 49 08PM 10 correct?
 03 49 08PM 11 **A. Appears to be.**
 03 49 09PM 12 **Q.** There was, in fact, notice provided that
 03 49 13PM 13 the high-risk activities would include a sweat
 03 49 16PM 14 lodge, Vision Quest, holotropic breathing; correct?
 03 49 28PM 15 **A. Reads that these activity may be**
 03 49 30PM 16 **included. Doesn't say anything about high risk.**
 03 49 32PM 17 **Q.** Are you disputing that you signed this
 03 49 34PM 18 document?
 03 49 34PM 19 **A. No.**
 03 49 34PM 20 **Q.** You have a doctoral degree in dentistry;
 03 49 39PM 21 correct?
 03 49 39PM 22 **A. Yes.**
 03 49 39PM 23 **Q.** You can clearly read and understand that
 03 49 42PM 24 document if you choose to read it?
 03 49 43PM 25 **A. Correct.**
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03 49 43PM 1 Q. And the document indicates that the
 03 49 45PM 2 high-risk activities may included those I listed;
 03 49 49PM 3 correct?
 03 50 00PM 4 A. Yes, sir.
 03 50 01PM 5 Q. In addition to that, ma'am, you also
 03 49 55PM 6 signed Exhibit 171, which is a release provided to
 03 50 03PM 7 Angel Valley; correct?
 03 50 08PM 8 If you want to take a look, it's up on
 03 50 08PM 9 the overhead.
 03 50 12PM 10 A. Correct.
 03 50 12PM 11 Q. And, again, it's dated October 3rd, 2009;
 03 50 16PM 12 correct?
 03 50 17PM 13 A. Correct.
 03 50 20PM 14 Q. Contains your signature; correct?
 03 50 23PM 15 A. Correct.
 03 50 23PM 16 Q. I take it from your testimony on direct
 03 50 26PM 17 that you did not read this document before you
 03 50 29PM 18 signed either? Correct?
 03 50 31PM 19 A. Correct.
 03 50 31PM 20 Q. I believe you told us you came in late in
 03 50 34PM 21 the day, signed these papers at the request of an
 03 50 41PM 22 individual in the office of Angel Valley. Correct?
 03 50 44PM 23 A. Yes.
 03 50 44PM 24 Q. I want to make one thing clear, that the
 03 50 49PM 25 person's name was Ingrid. Correct?
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03 50 51PM 1 A. Correct.
 03 50 52PM 2 Q. And Ingrid worked for Angel Valley;
 03 50 55PM 3 correct? If you know.
 03 50 58PM 4 A. To the best of my knowledge, that's what
 03 51 01PM 5 I understood when I came in there.
 03 51 03PM 6 Q. You did not meet with Mr. Ray before you
 03 51 05PM 7 signed this document; correct?
 03 51 07PM 8 A. No.
 03 51 08PM 9 Q. And the document indicates that the
 03 51 13PM 10 release and waiver is for James Ray International,
 03 51 16PM 11 a corporation; correct?
 03 51 21PM 12 Do you want to look at it?
 03 51 26PM 13 If I may publish it, Judge?
 03 51 28PM 14 THE COURT: Yes.
 03 51 29PM 15 Q. BY MR. KELLY: In the first paragraph,
 03 51 31PM 16 ma'am, it says you release, waive and discharge
 04 51 36PM 17 James Ray International, Inc., a company; correct?
 03 51 39PM 18 MR. HUGHES: Your Honor, could the rest of the
 03 51 41PM 19 sentence be read?
 03 51 43PM 20 MR. KELLY: We can do that. Apologize, Judge.
 03 51 48PM 21 Q. Dr. Bunn, the full paragraph reads as
 03 51 55PM 22 follows: In consideration of being permitted to
 03 51 58PM 23 participate in the Spiritual Warrior event, the
 03 52 01PM 24 event, and being granted access to the premises
 03 52 01PM 25 where the event will be conducted and for other
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03 52 04PM 1 good and valuable consideration, I agree to
 03 52 08PM 2 release, waive and discharge James Ray
 03 52 12PM 3 International, Inc., the company, its principals,
 03 52 16PM 4 directors, shareholders, employees, agents,
 03 52 16PM 5 promoters, independent contractors, sponsors,
 03 52 22PM 6 volunteers, assistants, associates, coaches and
 03 52 24PM 7 others associated with the company or any of them,
 03 52 28PM 8 the releasees, from all liability to the
 03 52 29PM 9 undersigned for any loss or damage and any claim or
 03 52 31PM 10 demands therefore on account of injury to the
 03 52 34PM 11 undersigned person, whether physical, emotional,
 03 52 37PM 12 psychological or otherwise, or property, or
 03 52 40PM 13 resulting in death, whether caused by the
 03 52 43PM 14 negligence of the releasees or otherwise relating
 03 52 48PM 15 to the event, whether sustained during the event or
 03 52 51PM 16 not.
 03 52 51PM 17 That's the complete sentence?
 03 52 54PM 18 A. Correct.
 03 52 55PM 19 Q. My question was you were -- when you
 03 52 58PM 20 signed this document, you were dealing with an
 03 53 00PM 21 individual who was not James Ray; correct?
 03 53 02PM 22 A. Correct.
 03 53 05PM 23 Q. And the release says that you're dealing
 03 53 08PM 24 with James Ray International, the company; correct?
 03 53 14PM 25 MR. HUGHES: Objection, Your Honor. Calls for
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03 53 18PM 1 a legal conclusion.
 03 53 19PM 2 THE WITNESS: I don't understand the question.
 03 53 21PM 3 MR. HUGHES: Objection, Your Honor --
 03 53 22PM 4 Q. BY MR. KELLY: I'll rephrase the
 03 53 26PM 5 question. Did you hear me read the first
 03 53 27PM 6 paragraph?
 03 53 27PM 7 A. Of course I did.
 03 53 28PM 8 Q. And did you understand that the first
 03 53 31PM 9 paragraph says that you're releasing, waiving and
 03 53 34PM 10 discharging James Ray International, Inc., the
 03 53 36PM 11 company? Correct?
 03 53 37PM 12 A. I do.
 03 53 38PM 13 Q. And that James Ray International, Inc.,
 03 53 41PM 14 the company, was represented by a person at this
 03 53 44PM 15 event other than James Ray?
 03 53 46PM 16 A. I do.
 03 53 48PM 17 Q. You had no contact with James Ray when
 03 53 49PM 18 you signed this document; correct?
 03 53 50PM 19 A. Correct.
 03 53 52PM 20 Q. You had contact with a person named
 03 53 55PM 21 Ingrid; correct?
 03 53 55PM 22 A. Correct.
 03 53 58PM 23 Q. Angel Valley is identified in
 03 54 08PM 24 Exhibit 171. Do you know an individual by the name
 03 54 12PM 25 of Amayra Hamilton?
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03 54 15PM 1 **A. Yes, I do.**

03 54 15PM 2 **Q.** Do you know that Amayra Hamilton is

03 54 15PM 3 somehow connected with Angel Valley?

03 54 15PM 4 **A. From my understanding, she owns it.**

03 54 15PM 5 **Q.** So she's the owner of Angel Valley;

03 54 28PM 6 correct?

03 54 30PM 7 **A. To my understanding, she owns the**

03 54 32PM 8 **property.**

03 54 33PM 9 **Q.** And, again, this release was releasing

03 54 38PM 10 Angel Valley, the corporate entity, and not Amayra

03 54 43PM 11 Hamilton, the person; correct?

03 54 48PM 12 **MR. HUGHES:** Objection. Calls for a legal

03 54 47PM 13 conclusion.

03 54 48PM 14 **MR. KELLY:** I can rephrase.

03 54 50PM 15 **THE COURT:** Okay.

03 54 51PM 16 **Q.** BY MR. KELLY: Dr. Bunn, I was trying to

03 54 53PM 17 speed things up. If you want to read that release

03 54 57PM 18 and tell me whether anywhere on the release Amayra

03 55 01PM 19 Hamilton's name appears. Please tell us.

03 55 04PM 20 **A. It does not.**

03 55 05PM 21 **Q.** Thank you. You were asked on direct a

03 55 17PM 22 series of questions about whether anyone during the

03 55 28PM 23 time that you were signing these documents had

03 55 32PM 24 asked you anything about your medical condition.

03 55 34PM 25 Do you recall those questions?

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03 55 35PM 1 **A. Yes.**

03 55 38PM 2 **Q.** And they did not; correct?

03 55 37PM 3 **A. Correct.**

03 55 39PM 4 **Q.** You were not required to provide a

03 55 41PM 5 physical; correct?

03 55 42PM 6 **A. Correct.**

03 55 42PM 7 **Q.** But you would agree with me the documents

03 55 44PM 8 say what they say and speak for themselves in

03 55 47PM 9 regards to identifying risks involved; correct?

03 55 49PM 10 **A. I'm having difficulty answering your**

03 56 30PM 11 **question.**

03 56 31PM 12 **Q.** Okay. Well, take your time, ma'am. I

03 56 33PM 13 don't want to rush you. The question was simply

03 56 37PM 14 that this document outlines potential risks

03 56 38PM 15 involved in the Spiritual Warrior five-day seminar;

03 56 42PM 16 correct?

03 56 43PM 17 **A. Correct.**

03 56 52PM 18 **Q.** You had told the jury that you were

03 56 57PM 19 familiar with heat stress on the human body because

03 57 02PM 20 you had hiked the Grand Canyon; correct?

03 57 05PM 21 **A. Uh-huh.**

03 57 06PM 22 **Q.** You have to say yes for the court

03 57 08PM 23 reporter.

03 57 08PM 24 **A. Yes.**

03 57 08PM 25 **Q.** When did you hike the Grand Canyon? What

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03 57 11PM 1 year?

03 57 12PM 2 **A. I hiked the Grand Canyon in September**

03 57 14PM 3 **of 2009.**

03 57 15PM 4 **Q.** And which --

03 57 17PM 5 **A. I'm sorry. September 2010.**

03 57 20PM 6 **Q.** A year after?

03 57 21PM 7 **A. The year after.**

03 57 22PM 8 **Q.** The year after the Spiritual Warrior

03 57 26PM 9 seminar?

03 57 26PM 10 **A. Yes.**

03 57 28PM 11 **Q.** Which trail did you hike?

03 57 27PM 12 **A. We went down the Bright Angel Trial and**

03 57 29PM 13 **went out the South Kibab Trial.**

03 57 33PM 14 **Q.** Did you camp out or stay at Phantom

03 57 38PM 15 Ranch?

03 57 38PM 16 **A. Both.**

03 57 37PM 17 **Q.** So it's about 12 to 14 miles down and 12

03 57 40PM 18 to 14 miles back up; correct?

03 57 41PM 19 **A. Sure is.**

03 57 43PM 20 **Q.** Significant elevation difference between

03 57 45PM 21 the elevation at the Colorado River versus the

03 57 52PM 22 south rim of the Grand Canyon?

03 57 53PM 23 **A. Yes.**

03 57 54PM 24 **Q.** In September in Arizona at those lower

03 57 57PM 25 elevations, it can be very hot; correct?

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03 57 59PM 1 **A. We got lucky and it wasn't.**

03 58 01PM 2 **Q.** Nice day when you were out there?

03 58 03PM 3 **A. It was 80 degrees.**

03 58 04PM 4 **Q.** Did you go with a guide?

03 58 07PM 5 **A. There was 10 of us.**

03 58 08PM 6 **Q.** Was it an organized group with an entity

03 58 13PM 7 that was guiding you into the canyon or just

03 58 15PM 8 friends?

03 58 15PM 9 **A. It was an organized group of friends of a**

03 58 18PM 10 **gentleman who had actually hiked the canyon several**

03 58 21PM 11 **times. He was guiding us. We were all friends.**

03 58 24PM 12 **He didn't have a business. We didn't purchase the**

03 58 27PM 13 **trip from him.**

03 58 28PM 14 **Q.** And this person had been down in the

03 58 29PM 15 canyon before; correct?

03 58 32PM 16 **A. Yes.**

03 58 32PM 17 **Q.** And he told you that it was important to

03 58 35PM 18 hydrate; correct?

03 58 38PM 19 **A. Correct.**

03 58 38PM 20 **Q.** I think you said two liters per hour was

03 58 39PM 21 recommended coming out of the canyon; correct?

03 58 42PM 22 **A. Correct.**

03 58 42PM 23 **Q.** And, Dr. Bunn, when you went into the

03 58 47PM 24 canyon, you understood there is risks associated

03 58 51PM 25 with hiking the Grand Canyon?

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- 03 58 53PM 1 **A. Yes, I did.**
- 03 58 54PM 2 **Q.** I don't know if you've ever seen the
- 03 58 56PM 3 book, Death in the Canyon, but it identifies all
- 03 59 00PM 4 the people who died in the Grand Canyon from
- 03 59 03PM 5 various causes. Have you read that book?
- 03 59 04PM 6 **A. I've seen the video.**
- 03 59 05PM 7 **Q.** Oh. You've seen a video. So you know
- 03 59 06PM 8 people fall; correct?
- 03 59 08PM 9 **A. Yes.**
- 03 59 09PM 10 **Q.** They get lost; correct?
- 03 59 10PM 11 **A. Correct.**
- 03 59 11PM 12 **Q.** They dehydrate and can't make it out;
- 03 59 12PM 13 correct?
- 03 59 13PM 14 **A. Correct.**
- 03 59 14PM 15 **Q.** Out of shape, can't make it out; correct?
- 03 59 15PM 16 **A. Correct.**
- 03 59 16PM 17 **Q.** They get bit by snakes or scorpions and
- 03 59 17PM 18 die; correct?
- 03 59 18PM 19 **A. Correct.**
- 03 59 19PM 20 **Q.** And you can go in the wintertime and the
- 03 59 20PM 21 opposite effect. You can suffer from hypothermia
- 03 59 21PM 22 and die of cold; correct?
- 03 59 22PM 23 **A. Correct.**
- 03 59 23PM 24 **Q.** So when you made the decision to go to
- 03 59 24PM 25 the Grand Canyon in Arizona and hike the Phantom
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- 03 59 42PM 1 Ranch and come back out, that was your decision;
- 03 59 44PM 2 correct?
- 03 59 46PM 3 **A. Correct.**
- 03 59 48PM 4 **Q.** You were aware of those risks?
- 03 59 50PM 5 **A. Correct.**
- 03 59 52PM 6 **Q.** And this guide that you went with told
- 03 59 54PM 7 you to hydrate?
- 03 59 56PM 8 **A. Correct.**
- 03 59 58PM 9 **Q.** So you did?
- 03 59 59PM 10 **A. I did.**
- 03 59 59PM 11 **Q.** During the Angel Valley seminar, you were
- 03 59 59PM 12 told repeatedly to hydrate, hydrate, hydrate?
- 04 00 01PM 13 **A. We were.**
- 04 00 01PM 14 **Q.** From the beginning to the end; correct?
- 04 00 02PM 15 I don't mean the absolute very minute -- throughout
- 04 00 03PM 16 the time period of the five-day seminar, you were
- 04 00 04PM 17 told repeatedly to hydrate; correct?
- 04 00 05PM 18 **A. I have to answer no to that.**
- 04 00 06PM 19 **Q.** Well, do you recall telling
- 04 00 07PM 20 Detective Willingham, we were told to hydrate,
- 04 00 08PM 21 hydrate, hydrate, throughout --
- 04 00 09PM 22 **A. We couldn't when we were on our Vision**
- 04 00 10PM 23 **Quest. We had no food and water. During the**
- 04 00 11PM 24 **course of the lectures, yes, we were told.**
- 04 00 12PM 25 **Q.** On the Vision Quest it was the multiday
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- 04 00 36PM 1 experience in the wilderness without food or water,
- 04 00 40PM 2 as the release says; correct?
- 04 00 42PM 3 **A. Correct.**
- 04 00 43PM 4 **Q.** Just like the hike into the Grand Canyon,
- 04 00 45PM 5 you exercised free choice and made the decision to
- 04 00 46PM 6 go to the Spiritual Warrior; correct?
- 04 00 48PM 7 **A. I did.**
- 04 00 50PM 8 **Q.** And once you arrived, you freely signed
- 04 00 52PM 9 these documents -- correct? -- Exhibit 170 and 171?
- 04 01 01PM 10 **A. I did.**
- 04 01 04PM 11 **Q.** You freely went to your room and met your
- 04 01 05PM 12 roommates and began participating in the activity;
- 04 01 06PM 13 correct?
- 04 01 07PM 14 **A. I did.**
- 04 01 08PM 15 **Q.** And the first activity, I believe, was
- 04 01 09PM 16 something called "holotropic breathing" or
- 04 01 10PM 17 something to that effect; correct?
- 04 01 11PM 18 **A. If that's what you want to call an**
- 04 01 12PM 19 **exercise. There is different exercises. Are you**
- 04 01 13PM 20 **talking about Sunday or are you talking about**
- 04 01 14PM 21 **Monday?**
- 04 01 15PM 22 **Q.** Wasn't one of the first activities when
- 04 01 16PM 23 you showed up at the Spiritual Warrior the
- 04 01 17PM 24 holotropic breathing exercise?
- 04 01 18PM 25 **A. That was not the first exercise.**
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- 04 01 47PM 1 **Q.** What was the first?
- 04 01 48PM 2 **A. Probably a meditation exercise.**
- 04 01 50PM 3 **Q.** And then shortly after that you
- 04 01 52PM 4 participated in the holotropic breathing?
- 04 01 54PM 5 **A. The holotropic breathing didn't come**
- 04 02 00PM 6 **until Monday night.**
- 04 02 02PM 7 **Q.** You participated in that; correct?
- 04 02 03PM 8 **A. I did.**
- 04 02 04PM 9 **Q.** You participated in the yoga in the
- 04 02 05PM 10 morning?
- 04 02 06PM 11 **A. I did.**
- 04 02 07PM 12 **Q.** You participated in the Vision Quest;
- 04 02 08PM 13 correct?
- 04 02 09PM 14 **A. I did.**
- 04 02 10PM 15 **Q.** And then finally the sweat lodge;
- 04 02 11PM 16 correct?
- 04 02 12PM 17 **A. I did.**
- 04 02 13PM 18 **Q.** During the holotropic breathing you
- 04 02 14PM 19 actually fell asleep; correct?
- 04 02 15PM 20 **A. At times.**
- 04 02 16PM 21 **Q.** It would put you to sleep; correct?
- 04 02 17PM 22 **A. You hyperventilate.**
- 04 02 18PM 23 **Q.** You hyperventilate. And you, you
- 04 02 19PM 24 personally fell asleep; correct?
- 04 02 20PM 25 **A. And was woken up several times to**
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04 02 36PM 1 **continue to hyperventilate.**

04 02 37PM 2 **Q.** So you hyperventilate, fall asleep,

04 02 39PM 3 hyperventilate, fall asleep; correct?

04 02 40PM 4 **A. Correct.**

04 02 41PM 5 **Q.** Just like hiking the Grand Canyon, you

04 02 49PM 6 were making the decision, free choice, to engage in

04 02 50PM 7 that activity; correct?

04 02 51PM 8 **A. Correct.**

04 02 52PM 9 **Q.** You mentioned yoga. You participated in

04 02 55PM 10 yoga every morning; correct?

04 02 56PM 11 **A. I did.**

04 02 57PM 12 **Q.** And, again, some of these folks that went

04 02 58PM 13 to this seminar did not participate in yoga;

04 03 06PM 14 correct?

04 03 07PM 15 **A. I found that out later.**

04 03 08PM 16 **Q.** Okay. But, I mean, you're an educated,

04 03 15PM 17 professional woman who has a doctoral degree and

04 03 20PM 18 has been to a University and runs a private

04 03 24PM 19 business. You're capable of making your own

04 03 26PM 20 decisions; correct?

04 03 26PM 21 **A. I am.**

04 03 27PM 22 **Q.** You made the decision to participate in

04 03 29PM 23 the yoga activity in the morning; correct?

04 03 31PM 24 **A. It wasn't an option.**

04 03 33PM 25 **Q.** Well, you met Liz Neuman; correct?

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04 03 40PM 1 **A. Not really. I didn't interact with Liz**

04 03 45PM 2 **very much.**

04 03 46PM 3 **Q.** Do you realize, Dr. Bunn, that Liz Neuman

04 03 49PM 4 exercised the option of not participating in the

04 03 52PM 5 holotropic breathing?

04 03 53PM 6 **A. No. I did not.**

04 03 54PM 7 **Q.** Did you know that Liz Neuman exercised

04 03 56PM 8 the option of not participating in the yoga

04 03 58PM 9 exercises?

04 04 02PM 10 **A. Liz Neuman was a Dream Teamer.**

04 04 05PM 11 **Q.** Do you know that Liz Neuman exercised her

04 04 08PM 12 option of not participating in the Vision Quest?

04 04 11PM 13 **A. I don't know about Liz Neuman.**

04 04 13PM 14 **Q.** Do you know, Dr. Bunn, that Dr. Marzvaan

04 04 36PM 15 and her sister exercised the option of leaving the

04 04 38PM 16 seminar and not participating in any of those

04 04 42PM 17 activities?

04 04 43PM 18 **A. I do not.**

04 04 48PM 19 **Q.** So, again, you were exercising your free

04 04 49PM 20 choice in making the decision in participating in

04 04 53PM 21 the yoga exercise; correct?

04 04 55PM 22 **A. Correct.**

04 05 01PM 23 **Q.** Did you know that these activities were

04 05 06PM 24 being audiotaped or audio recorded throughout the

04 05 08PM 25 course of all the various activity?

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04 05 07PM 1 **A. I was told that they were. Yes.**

04 05 09PM 2 **Q.** Would you agree with me that the audio

04 05 12PM 3 recording is probably a more correct recollection

04 05 14PM 4 of what happened versus your memory some year and a

04 05 17PM 5 half later?

04 05 18PM 6 **A. Yes.**

04 05 20PM 7 **Q.** Now, if you fell asleep during the

04 05 29PM 8 holotropic breathing and that was on Monday night,

04 05 33PM 9 when was the Samurai Game?

04 05 35PM 10 **A. I'm sorry?**

04 05 37PM 11 **Q.** When was the Samurai Game?

04 05 39PM 12 **A. Tuesday.**

04 05 41PM 13 **Q.** And you participated in the Samurai Game;

04 05 43PM 14 correct?

04 05 44PM 15 **A. I did.**

04 05 44PM 16 **Q.** And, of course, just by its title, you

04 05 47PM 17 knew that it was a game; correct?

04 05 48PM 18 **A. I did.**

04 05 50PM 19 **Q.** Were you aware that it's a game developed

04 05 53PM 20 and used by entities such as AT&T, the

04 05 56PM 21 United States Army and Walt Disney?

04 05 58PM 22 **A. I was told by Mr. Ray. Yes.**

04 05 59PM 23 **Q.** So this is not -- your understanding is

04 06 04PM 24 this is not the first and only time corporate

04 06 07PM 25 exercises like this have been used by people to

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04 06 12PM 1 overcome their problems; correct?

04 06 14PM 2 **MR. HUGHES:** Object to foundation,

04 06 16PM 3 speculation.

04 06 17PM 4 **MR. KELLY:** Judge, I asked for her

04 06 18PM 5 understanding.

04 06 19PM 6 **THE COURT:** Overruled.

04 06 20PM 7 You may answer that.

04 06 22PM 8 **THE WITNESS:** Can you repeat the question.

04 06 26PM 9 **Q. BY MR. KELLY:** Have you gone to seminars

04 06 28PM 10 other than JRI seminars?

04 06 32PM 11 **A. I have.**

04 06 32PM 12 **Q.** The reason you went to those seminars,

04 06 36PM 13 Doctor, was to help you in your professional life

04 06 38PM 14 and your personal life; correct?

04 06 40PM 15 **A. Correct.**

04 06 40PM 16 **Q.** And throughout -- how many seminars do

04 06 44PM 17 you think you've been to other than JRI?

04 06 50PM 18 **A. Five.**

04 06 51PM 19 **Q.** Were they directed towards improving your

04 06 56PM 20 professional life, your personal life or both?

04 06 58PM 21 **A. Both.**

04 06 58PM 22 **Q.** And as you go to those seminars, people

04 07 05PM 23 made motivational speeches to attempt to help the

04 07 09PM 24 participants with whatever problem or help achieve

04 07 14PM 25 whatever goal they want; correct?

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04 07 18PM 1 **A. Of course.**

04 07 19PM 2 **Q.** And in that process, during those

04 07 23PM 3 presentations there are other types of games used;

04 07 25PM 4 correct? I mean, I don't know. I'm asking you.

04 07 35PM 5 This is a question. Did these other five seminars

04 07 40PM 6 involve some corporate exercises that -- maybe

04 07 43PM 7 considered games, but their ultimate purpose was

04 07 45PM 8 either to help the individual or the individual's

04 07 57PM 9 profession?

04 07 59PM 10 **A. You know, the other seminars, I don't**

04 08 02PM 11 **recall anything being a game or classified or**

04 08 04PM 12 **titled as a game?**

04 08 06PM 13 **Q.** So the Samurai Game was the first time

04 08 08PM 14 you had engaged in a game like that?

04 08 08PM 15 **A. Yes.**

04 08 10PM 16 **Q.** In a corporate seminar setting?

04 08 11PM 17 **A. Yes.**

04 08 15PM 18 **Q.** And my question to you was that you were

04 08 18PM 19 aware that the Samurai Game was a game adopted by

04 08 23PM 20 other corporate entities such as AT&T and Walt

04 08 24PM 21 Disney; correct?

04 08 27PM 22 **A. I only recall him saying about AT&T, his**

04 08 28PM 23 **former employer.**

04 08 30PM 24 **Q.** Had you heard the United States

04 08 30PM 25 Army uses it as well?

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04 08 31PM 1 **A. I don't recall.**

04 08 32PM 2 **Q.** Of course, you don't know whether Walt

04 08 35PM 3 Disney or the United States Army or AT&T plays the

04 08 38PM 4 game exactly like James Ray International plays it?

04 08 43PM 5 **A. I wouldn't know.**

04 08 44PM 6 **Q.** You knew that when you began the game

04 08 48PM 7 that it was a game; correct?

04 08 49PM 8 **A. It was a metaphor.**

04 08 53PM 9 **Q.** And I think Mr. Ray had a Halloween

04 08 58PM 10 costume on, a white robe, and he was identified as

04 09 02PM 11 God. Correct?

04 09 03PM 12 **A. He was dressed in a Robe with a gold**

04 09 07PM 13 **crown. Yes.**

04 09 07PM 14 **Q.** And there were angels of death, and

04 09 13PM 15 different participants with different roles in this

04 09 17PM 16 game; correct?

04 09 18PM 17 **A. Correct.**

04 09 19PM 18 **Q.** And they had costumes; correct?

04 09 22PM 19 **A. They were dressed.**

04 09 24PM 20 **Q.** They played various games like the

04 09 27PM 21 egg-and-the-spoon game, the stare at each other,

04 09 33PM 22 throwing-wads-of-tin-foil-at-each-other game,

04 09 34PM 23 things like that; correct?

04 09 36PM 24 **A. There were rules to the game.**

04 09 36PM 25 **Q.** And if somebody lost, somebody died, a

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04 09 41PM 1 participant would die and have to lay on the floor;

04 09 44PM 2 correct?

04 09 44PM 3 **A. And then taken to the graveyard.**

04 09 48PM 4 **Q.** And then they would have to close their

04 09 50PM 5 eyes, put their hands on one another's shoulders

04 09 52PM 6 and be taken to the graveyard; correct?

04 09 54PM 7 **A. Correct.**

04 09 55PM 8 **Q.** It's all part of the game; correct?

04 09 57PM 9 **A. Correct.**

04 09 57PM 10 **Q.** Its purpose was to help you reach your

04 10 02PM 11 stated goal, which was given on one of the earlier

04 10 06PM 12 days of the seminar; correct?

04 10 12PM 13 **A. I don't recall.**

04 10 13PM 14 **Q.** Well, do you recall standing up at the

04 10 16PM 15 microphone, stating your name, stating your

04 10 20PM 16 intentions and what you're hoping to accomplish

04 10 21PM 17 throughout the course of the seminar?

04 10 23PM 18 **A. I do.**

04 10 23PM 19 **Q.** And that was the first night; correct?

04 10 26PM 20 **A. Yes.**

04 10 28PM 21 **Q.** And participants would stand up and tell

04 10 37PM 22 the group what the stated intention was; correct?

04 10 38PM 23 **A. Yes.**

04 10 39PM 24 **Q.** And then based on the stated intention,

04 10 41PM 25 Dream Team members, Mr. Ray in your case, and

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04 10 44PM 1 others would help people hopefully establish those

04 10 47PM 2 stated intentions; correct?

04 10 49PM 3 **A. Correct.**

04 10 49PM 4 **Q.** That was the whole focus of the seminar;

04 10 51PM 5 correct?

04 10 52PM 6 **A. Correct.**

04 10 53PM 7 **Q.** And you were there voluntarily to help

04 10 57PM 8 you attempt to overcome your issues or your stated

04 11 03PM 9 intentions; correct?

04 11 04PM 10 **A. Correct.**

04 11 05PM 11 **Q.** And you knew that during the holotropic

04 11 11PM 12 breathing you fell asleep. That's okay; correct?

04 11 20PM 13 I mean, you did. You told us several

04 11 22PM 14 times; correct?

04 11 23PM 15 **A. I fell asleep. I didn't know if that was**

04 11 25PM 16 **okay or not because they woke me up. So I guess it**

04 11 28PM 17 **wasn't okay.**

04 11 29PM 18 **Q.** Nobody slapped you, hit you or anything?

04 11 34PM 19 They said come on. Stay in the game. It's

04 11 34PM 20 holotropic breathing. We're trying to help you

04 11 37PM 21 reach the intention; correct?

04 11 37PM 22 **A. Uh-huh.**

04 11 38PM 23 **Q.** When you were playing the Samurai Game,

04 11 42PM 24 did you see people raise their hand, say hey, I got

04 11 45PM 25 to go to the bathroom?

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- 04 11 47PM 1 **A. I don't recall that.**
- 04 11 50PM 2 **Q.** If that happen, it's because it's a game.
- 04 11 52PM 3 People have to go to the bathroom? They have to go
- 04 11 54PM 4 to the bathroom; correct?
- 04 11 56PM 5 **A. Correct.**
- 04 12 23PM 6 **Q.** I want to take you back for a minute to
- 04 12 25PM 7 some questions Mr. Hughes asked you, and you're
- 04 12 30PM 8 hiking the Grand Canyon and your guide who told you
- 04 12 33PM 9 how important it was to hydrate. The reason that's
- 04 12 36PM 10 important is because dehydration can lead to heat
- 04 12 41PM 11 stroke; correct?
- 04 12 42PM 12 **A. Correct.**
- 04 12 42PM 13 **Q.** And you know that both from what this
- 04 12 45PM 14 fellow told you in the Grand Canyon as well as your
- 04 12 48PM 15 medical training; correct?
- 04 12 50PM 16 **A. Yes.**
- 04 12 51PM 17 **Q.** A classic symptom or sign of heat stroke
- 04 12 54PM 18 is dehydration; correct?
- 04 12 57PM 19 **A. Correct.**
- 04 12 58PM 20 **Q.** Are you aware that -- are you aware that
- 04 13 07PM 21 another key factor to substantiate heat stroke is
- 04 13 14PM 22 an elevated core body temperature?
- 04 13 18PM 23 **A. Correct.**
- 04 13 25PM 24 **Q.** When you're hiking out of the Grand
- 04 13 28PM 25 Canyon, again, you're exercising your free will;
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- 04 13 31PM 1 correct?
- 04 13 32PM 2 **A. Yes.**
- 04 13 32PM 3 **Q.** And it gets pretty tough there at times;
- 04 13 35PM 4 correct?
- 04 13 35PM 5 **A. Yes.**
- 04 13 35PM 6 **Q.** You had packs with weight; correct?
- 04 13 38PM 7 **A. Actually, I put my pack on a mule to take**
- 04 13 43PM 8 **it out, and I just walked out with my camelback on.**
- 04 13 48PM 9 **Q.** My point was, I was going to ask you
- 04 13 50PM 10 whether you know water weighs 8.5 pounds per
- 04 13 55PM 11 gallon?
- 04 13 55PM 12 **A. I do.**
- 04 13 58PM 13 **Q.** And you said that you were to consume two
- 04 13 58PM 14 liters per hour was the average. So that would be
- 04 14 01PM 15 some substantial weight if someone is going to hike
- 04 14 04PM 16 all day long in the hot sun; correct?
- 04 14 06PM 17 **A. We have the water stations along the way.**
- 04 14 08PM 18 **Q.** My question is that would weigh quite a
- 04 14 13PM 19 bit; correct?
- 04 14 13PM 20 **A. Yes.**
- 04 14 13PM 21 **Q.** As you're walking out of the Grand
- 04 14 18PM 22 Canyon, you knew that you could stop at any time if
- 04 14 18PM 23 you had to; correct?
- 04 14 20PM 24 **A. I did.**
- 04 14 20PM 25 **Q.** Sit in the shade, take a break, cool off
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- 04 14 23PM 1 before you went further; correct?
- 04 14 25PM 2 **A. We made it a point to do that.**
- 04 14 27PM 3 **Q.** And anybody could have done that at any
- 04 14 31PM 4 time; correct?
- 04 14 31PM 5 **A. Yes.**
- 04 14 32PM 6 **Q.** And had somebody, as you're hiking out of
- 04 14 36PM 7 the Grand Canyon, collapsed because they had an
- 04 14 40PM 8 elevated body core temperature and were dehydrated
- 04 14 45PM 9 and didn't follow the directions, you would have
- 04 14 47PM 10 used every skill that you had to help that person;
- 04 14 52PM 11 correct?
- 04 14 52PM 12 **A. Correct.**
- 04 15 05PM 13 **Q.** When you told Mr. Hughes that at the
- 04 15 08PM 14 Spiritual Warrior seminar folks were cutting their
- 04 15 13PM 15 hair -- I think you said 41 of the participants.
- 04 15 17PM 16 Correct?
- 04 15 18PM 17 **A. That's what I was told.**
- 04 15 19PM 18 **Q.** That means almost 20 didn't cut their
- 04 15 23PM 19 hair; correct?
- 04 15 25PM 20 **A. According to my calculation, it would be**
- 04 15 29PM 21 **9. I was told there were 50 participants.**
- 04 15 31PM 22 **Q.** So nine people did not; correct?
- 04 15 33PM 23 **A. That's what I was told.**
- 04 15 34PM 24 **Q.** And as to those 9 people who did not cut
- 04 15 37PM 25 their hair, they made the decision apparently not
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- 04 15 40PM 1 to cut their hair; correct?
- 04 15 41PM 2 **A. Correct.**
- 04 15 41PM 3 **Q.** And as to the 41 folks who did cut their
- 04 15 44PM 4 hair, they made the decision to cut their hair;
- 04 15 47PM 5 correct?
- 04 15 47PM 6 **A. We did.**
- 04 15 48PM 7 **Q.** And people were encouraged to cut their
- 04 15 51PM 8 hair to help them become better people; correct?
- 04 15 54PM 9 **A. Every day.**
- 04 15 55PM 10 **Q.** Pardon me?
- 04 15 56PM 11 **A. Every day.**
- 04 15 57PM 12 **Q.** And the whole focus about cutting your
- 04 16 00PM 13 hair was letting go of your appearance and becoming
- 04 16 05PM 14 the person that you are inside, not simply the
- 04 16 08PM 15 person you look like; correct?
- 04 16 10PM 16 **A. I missed that part, to be honest with**
- 04 16 14PM 17 **you.**
- 04 16 14PM 18 **Q.** Well, did you hear people talk?
- 04 16 16PM 19 **A. But that's what was told to me.**
- 04 16 18PM 20 **Q.** Okay. I was going to ask you, did you
- 04 16 19PM 21 hear statements like let go of your vanity and it
- 04 16 24PM 22 will help you become whatever you want to become?
- 04 16 27PM 23 Correct?
- 04 16 27PM 24 **A. It was part of letting go.**
- 04 16 28PM 25 **Q.** And letting go was letting go to help you
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04 16 34PM 1 achieve those intentions or purposes that you came
 04 16 38PM 2 to Spiritual Warrior for; correct?
 04 16 40PM 3 **A. That's what I understand. Yes.**
 04 16 42PM 4 **Q.** You had two roommates -- Kirby Brown and
 04 16 44PM 5 Julie. I didn't get Julie's last name.
 04 17 02PM 6 Do you recall what it was?
 04 17 03PM 7 **A. Min.**
 04 17 03PM 8 **Q.** Kirby Brown, you and Julie Min. You
 04 17 07PM 9 finally decided to cut your hair on the last day.
 04 17 10PM 10 But you say you struggled with the decision;
 04 17 12PM 11 correct?
 04 17 12PM 12 **A. I did.**
 04 17 13PM 13 **Q.** So apparently you thought about this
 04 17 17PM 14 decision for several days and then finally made the
 04 17 20PM 15 choice that that's what you wanted to do on the
 04 17 23PM 16 final day of the seminar; correct?
 04 17 25PM 17 **A. I did.**
 04 17 28PM 18 **Q.** This is kind of stating the obvious, but
 04 17 31PM 19 that means that the four days preceding the date in
 04 17 35PM 20 which you cut your hair, you made the decision not
 04 17 38PM 21 to cut your hair; correct? Does that make sense?
 04 17 45PM 22 **A. Yes.**
 04 17 46PM 23 **Q.** Pardon me?
 04 17 46PM 24 **A. Yes. That makes sense.**
 04 17 46PM 25 **Q.** Those folks that went down to the Grand
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04 17 59PM 1 Canyon, your guide -- did he ask all of you to get
 04 18 02PM 2 a medical screening?
 04 18 03PM 3 **A. He did.**
 04 18 04PM 4 **Q.** Did you guys have to produce it to the
 04 18 07PM 5 national park service before you went down?
 04 18 09PM 6 **A. No, we did not.**
 04 18 10PM 7 **Q.** All you had to do is buy a permit over
 04 18 12PM 8 the counter; correct?
 04 18 14PM 9 **A. Correct.**
 04 18 14PM 10 **Q.** And that permitting process with the
 04 18 18PM 11 United States Government, there is no medical
 04 18 18PM 12 screening; correct?
 04 18 19PM 13 **A. Correct.**
 04 18 19PM 14 **Q.** No one asks you what kind of shape you're
 04 18 22PM 15 in; correct?
 04 18 22PM 16 **A. Correct.**
 04 18 23PM 17 **Q.** And overweight people, skinny people,
 04 18 27PM 18 tall people, short people, men and women, young and
 04 18 29PM 19 old, all hike the canyon; correct? Especially the
 04 18 33PM 20 Bright Angel Trail; correct?
 04 18 34PM 21 **A. Yes.**
 04 18 35PM 22 **Q.** And all types of dress, some with
 04 18 38PM 23 flip-flops, some hiking boots, some long pants,
 04 18 42PM 24 some with short pants, T-shirts, overcoats, all
 04 18 45PM 25 types of different people with types of different
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04 18 48PM 1 dress; correct?
 04 18 48PM 2 **A. Correct.**
 04 18 58PM 3 **Q.** Now, you told us that you stated your
 04 19 04PM 4 intentions at the beginning of the seminar, and
 04 19 07PM 5 then as a result of those intentions you worked
 04 19 11PM 6 directly with James Ray; correct?
 04 19 13PM 7 **A. That's what he told me to do.**
 04 19 15PM 8 **Q.** And there was another lady that worked
 04 19 18PM 9 directly with him; correct?
 04 19 20PM 10 **A. There was one other person.**
 04 19 23PM 11 **Q.** And so the jury is clear, Dr. Bunn,
 04 19 27PM 12 you're not familiar with the corporate structure of
 04 19 32PM 13 James Ray International; correct?
 04 19 33PM 14 **A. No.**
 04 19 34PM 15 **Q.** So when you were talking about Megan and
 04 19 38PM 16 Dream Team members, you don't know how they fit
 04 19 40PM 17 into the corporate structure; correct?
 04 19 43PM 18 **A. Somewhat I do.**
 04 19 44PM 19 **Q.** Well, tell us what you know.
 04 19 47PM 20 **A. Well, the Dream Team members at the event**
 04 19 50PM 21 **were introduced as Dream Team members. And then**
 04 19 52PM 22 **there was a table. And Megan and Josh and there**
 04 19 57PM 23 **was a person filming. I'm not sure if his brother**
 04 20 02PM 24 **was there.**
 04 20 02PM 25 **But, I mean, they were introduced as**
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04 20 04PM 1 **people worked -- Melinda Martin was introduced.**
 04 20 07PM 2 **People that actually worked for him. So his**
 04 20 10PM 3 **corporate structure? No. I don't know that. But**
 04 20 11PM 4 **who was a Dream Team member and person who was**
 04 20 13PM 5 **volunteering to be there, yes. They were**
 04 20 15PM 6 **identified and introduced to the group.**
 04 20 17PM 7 **Q.** So you were able to distinguish between
 04 20 18PM 8 the folks that are paid and the folks that were not
 04 20 21PM 9 paid; correct?
 04 20 23PM 10 **A. They were called "volunteers." The Dream**
 04 20 27PM 11 **Team members called "volunteers." So who got paid,**
 04 20 29PM 12 **who didn't get paid, I don't know who writes the**
 04 20 33PM 13 **checks.**
 04 20 33PM 14 **Q.** Dream Team members are even issued blue
 04 20 38PM 15 shirts that say "Dream Team Member"; correct?
 04 20 38PM 16 **A. I think so. I mean --**
 04 20 41PM 17 **Q.** Underneath that word, "Dream Team
 04 20 45PM 18 Member," it says "James Ray International, Inc."
 04 20 50PM 19 Do you recall that?
 04 20 51PM 20 **A. I don't.**
 04 20 53PM 21 **Q.** You understood those people to be
 04 20 58PM 22 volunteers?
 04 20 58PM 23 **A. That's what I understood. Yes.**
 04 20 58PM 24 **Q.** Something I missed earlier. When you
 04 21 01PM 25 signed up for this event, you had to pay money for
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04 21 04PM 1 lodging and food, which was provided by Amayra
 04 21 10PM 2 Hamilton's Angel Valley; correct?
 04 21 11PM 3 **A. On top of the amount we spent for**
 04 21 15PM 4 **Spiritual Warrior. Yes.**
 04 21 19PM 5 **Q.** You're a bright lady, so you kind of got
 04 21 24PM 6 the idea that Amayra Hamilton and Angel Valley own
 04 21 26PM 7 the facility and James Ray International is
 04 21 30PM 8 contracting with them? I don't want you to guess.
 04 21 32PM 9 But does that make sense?
 04 21 35PM 10 **A. In my head that's what I figured they**
 04 21 38PM 11 **were doing.**
 04 21 41PM 12 **Q.** Kind of like going to the Texas Dental
 04 21 44PM 13 Association's seminars where they go to the Holiday
 04 21 46PM 14 Inn and rent the conference room; correct?
 04 21 48PM 15 **A. Correct.**
 04 21 52PM 16 **Q.** The Holiday Inn is responsible for what
 04 21 54PM 17 happens in the conference room, and the -- your
 04 21 57PM 18 fellow doctors are responsible for the seminar
 04 22 02PM 19 content; correct?
 04 22 04PM 20 MR. HUGHES: Objection, Your Honor. Calls for
 04 22 07PM 21 a legal conclusion, speculation and foundation.
 04 22 08PM 22 THE COURT: Sustained.
 04 22 09PM 23 **Q.** BY MR. KELLY: You've been to a seminar
 04 22 11PM 24 with other dentists; correct?
 04 22 13PM 25 **A. Yes.**
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04 22 08PM 1 **Q.** Have you ever participated in the
 04 22 10PM 2 organization which put on seminars for dentists?
 04 22 12PM 3 **A. As a participant, yes.**
 04 22 14PM 4 **Q.** You have continuing education
 04 22 16PM 5 requirements; correct?
 04 22 18PM 6 **A. We do.**
 04 22 20PM 7 **Q.** And those continuing education
 04 22 22PM 8 requirements are put on by fellow doctors; correct?
 04 22 24PM 9 **A. Fellow doctors, supply companies. There**
 04 22 26PM 10 **is a lot of different people that organize.**
 04 22 28PM 11 **Q.** People involved in the medical field;
 04 22 30PM 12 correct?
 04 22 32PM 13 **A. Correct.**
 04 22 34PM 14 **Q.** And then those folks will get together
 04 22 36PM 15 and they will contract or they'll rent some place
 04 22 38PM 16 like a Holiday Inn or Hyatt Regency in which to get
 04 22 40PM 17 together and put on these seminars; correct?
 04 22 42PM 18 **A. You're asking me something that I really**
 04 22 44PM 19 **don't know. And I'm not trying to be antagonistic.**
 04 22 46PM 20 **But I'm not part of the planning events or**
 04 22 48PM 21 **anything. So -- it's not a yes or no answer for**
 04 23 00PM 22 **me. I'm just there as a participant.**
 04 23 02PM 23 **Q.** This is pretty simple, though; correct?
 04 23 04PM 24 You know that the Texas Dental Association doesn't
 04 23 06PM 25 own the Hyatt Regency; correct?
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04 23 08PM 1 **A. I do now.**
 04 23 10PM 2 **Q.** Okay. You knew when you showed up at the
 04 23 12PM 3 Spiritual Warrior that you signed two releases, one
 04 23 14PM 4 for Angel Valley and one for James Ray
 04 23 16PM 5 International; correct?
 04 23 18PM 6 **A. Correct.**
 04 23 20PM 7 **Q.** You paid two fees, one for your room and
 04 23 22PM 8 board with Angel Valley and one for the content of
 04 23 24PM 9 the seminar with James Ray International; correct?
 04 23 26PM 10 **A. Correct.**
 04 23 28PM 11 **Q.** When you attended -- you told us you've
 04 23 30PM 12 only been to one other James Ray International
 04 23 32PM 13 seminar. I forgot the name of it. What was the
 04 23 34PM 14 name of it?
 04 23 36PM 15 **A. I've been to two.**
 04 23 38PM 16 **Q.** Spiritual Warrior and the one before
 04 23 40PM 17 that?
 04 23 42PM 18 **A. Harmonic Wealth.**
 04 23 44PM 19 **Q.** And where was it held?
 04 23 46PM 20 **A. San Diego.**
 04 23 48PM 21 **Q.** When was it held?
 04 24 00PM 22 **A. May of 2009.**
 04 24 02PM 23 **Q.** Would you agree with me that when you
 04 24 04PM 24 were at Harmonic Wealth and at the Spiritual
 04 24 06PM 25 Warrior Seminar that you met a diverse group of
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04 24 08PM 1 people?
 04 24 10PM 2 **A. Yes.**
 04 24 12PM 3 **Q.** They appeared to be intelligent, capable,
 04 24 14PM 4 articulate folks; correct?
 04 24 16PM 5 **A. Which event are you speaking about?**
 04 24 18PM 6 **Q.** Both of them. Let me put it this way:
 04 24 20PM 7 You were a dentist going to this event; correct?
 04 24 22PM 8 **A. I was.**
 04 24 24PM 9 **Q.** You met Dr. Jeanne Armstrong, who is a
 04 24 26PM 10 medical doctor; correct?
 04 24 28PM 11 **A. Yes.**
 04 24 30PM 12 **Q.** Did you meet Dr. Nell Wagoner? She was
 04 24 32PM 13 in the back of the courtroom. That's why I was
 04 24 34PM 14 looking for her.
 04 24 36PM 15 **A. At Spiritual Warrior.**
 04 24 38PM 16 **Q.** So my question, Dr. Bunn, was these
 04 24 40PM 17 people were successful, motivated, educated,
 04 24 42PM 18 intelligent entrepreneurs and professionals, that
 04 24 44PM 19 type of person; correct?
 04 24 46PM 20 **A. The majority of the people at Spiritual**
 04 24 48PM 21 **Warrior that I met, yes. I could say in that**
 04 25 00PM 22 **capacity. Yes.**
 04 25 02PM 23 **Q.** Thank you.
 04 25 04PM 24 THE COURT: Mr. Kelly and Mr. Hughes, I need
 04 25 06PM 25 to see counsel here at bench.
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04 25 58PM 1 (Sidebar conference.)
 04 25 58PM 2 THE COURT: The session has already been 90
 04 26 02PM 3 minutes, and here we are. I need to know something
 04 26 04PM 4 about scheduling.

04 26 07PM 5 MR. KELLY: Judge, I anticipate probably at
 04 26 10PM 6 least another 45 minutes cross-examination. I can
 04 26 16PM 7 tell you, Judge, that Mr. Li can address this. But
 04 26 20PM 8 we would like to meet early Tuesday morning to
 04 26 24PM 9 discuss some issues, perhaps 8:15 in the morning.
 04 26 28PM 10 I'll allow him to address that. Whether we could
 04 26 33PM 11 start addressing that this afternoon, 4:30 on a
 04 26 36PM 12 Friday afternoon, I leave that to your discretion,
 04 26 40PM 13 Judge.

04 26 40PM 14 THE COURT: Mr. Hughes, on the scheduling
 04 26 42PM 15 things.

04 26 43PM 16 MR. HUGHES: Your Honor, the doctor is
 04 26 45PM 17 obviously out here staying in a hotel. Assuming
 04 26 46PM 18 there is no emergency, the state will get her back
 04 26 52PM 19 here by Tuesday morning to testify.

04 26 55PM 20 At some point I'd like to have just a
 04 26 57PM 21 couple minutes with her to make sure that's
 04 26 59PM 22 possible. But we let them all know there is a good
 04 27 03PM 23 chance they will be here multiple days.

04 27 05PM 24 With respect to the issue on Tuesday
 04 27 07PM 25 morning, we'd kind of like to at least know what it
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04 27 09PM 1 pertains to so we can be prepared to meet it.

04 27 12PM 2 MR. LI: Maybe the way to deal with it is
 04 27 15PM 3 after this witness we can just talk it through.
 04 27 17PM 4 It's all these evidentiary issues we're talking
 04 27 20PM 5 about relating to the clips and other issues
 04 27 22PM 6 related to that.

04 27 23PM 7 And I propose some sort of simultaneous
 04 27 27PM 8 briefing and we can get it all out and resolve
 04 27 28PM 9 these issues.

04 27 31PM 10 THE COURT: We need to recess now in any
 04 27 34PM 11 event.

04 27 34PM 12 You want to talk to Dr. Bunn.

04 27 36PM 13 What I'm going to do is tell the jury
 04 27 38PM 14 that we may be recessing and that if they do,
 04 27 42PM 15 remember the admonition again. It's going to be a
 04 27 44PM 16 long weekend. And if everything is squared away,
 04 27 50PM 17 Heidi can just excuse them from there.

04 27 52PM 18 And we can talk just a minute. I really
 04 27 55PM 19 don't want to argue the rest of the afternoon.

04 27 57PM 20 MR. HUGHES: Your Honor, may we talk to -- as
 04 27 59PM 21 far as the scheduling, how would you like us to
 04 28 05PM 22 talk to the doctor right now while she's still in
 04 28 05PM 23 the box?

04 28 05PM 24 THE COURT: Well, I'm thinking I'm going to
 04 28 07PM 25 have the jury here. And we'll take the break and
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04 28 09PM 1 I'll leave the courtroom, and you can talk to her.

04 28 12PM 2 MR. HUGHES: That's fine.

04 28 13PM 3 MS. POLK: Another option is if she can't come
 04 28 15PM 4 back Tuesday, would there be any opposition to
 04 28 18PM 5 interrupting her testimony and bringing her back
 04 28 21PM 6 when she can come back?

04 28 22PM 7 MR. KELLY: That's fine.

04 28 23PM 8 THE COURT: Okay. You want to talk to her
 04 28 26PM 9 before I officially recess?

04 28 28PM 10 MR. HUGHES: Your Honor, I would. Or I can
 04 28 30PM 11 ask her afterwards as long as we're going to go
 04 28 33PM 12 back on the record. And I'll let you know what her
 04 28 35PM 13 situation is. If we're recessing now anyway, there
 04 28 37PM 14 is no reason not to just recess, let the jury go
 04 28 41PM 15 home.

04 28 41PM 16 THE COURT: She apparently needs to take a
 04 28 43PM 17 break anyway. So we'll do that. I'll give the
 04 28 47PM 18 jury an advance. Thank you.

04 28 06PM 19 (End of sidebar conference.)

04 28 06PM 20 THE COURT: Ladies and gentlemen, we're at the
 04 28 07PM 21 point where we have to take a recess anyway. So
 04 28 10PM 22 obviously to reassemble really wouldn't work out.
 04 28 13PM 23 So we're going to go ahead, and I'll just announce
 04 28 18PM 24 taking the recess at this point for the weekend.

04 28 22PM 25 As I said last Friday, it's another long
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04 29 25PM 1 period of time. As always, be mindful of the
 04 29 30PM 2 admonition not to talk to anyone about the case,
 04 29 34PM 3 even among yourselves, not try to do any research.
 04 29 37PM 4 Avoid any media exposure.

04 29 40PM 5 If anything happens inadvertently, stop
 04 29 42PM 6 the context, report it to me in the fashion you
 04 29 46PM 7 have when you come back. So please remember the
 04 29 50PM 8 admonition. I'm going to ask that you come back
 04 29 53PM 9 Tuesday at 9:15.

04 29 57PM 10 I'm going to ask the parties to remain
 04 29 58PM 11 for a moment.

04 29 59PM 12 Thank you.

04 29 59PM 13 (Proceedings continued outside presence
 04 29 59PM 14 of jury.)

04 30 41PM 15 THE COURT: I'll note that the jury has left.
 04 30 43PM 16 Mr. Ray and the attorneys are here.

04 30 44PM 17 Why don't you talk to Dr. Bunn and see
 04 30 47PM 18 where it stands. I'll come back out and we'll make
 04 30 50PM 19 whatever record we need to.

04 30 52PM 20 MR. HUGHES: Thank you, Your Honor.

04 30 53PM 21 (Recess.)

04 40 08PM 22 THE COURT: The record will show the presence
 04 40 08PM 23 of the defendant, Mr. Ray, and the attorneys. The
 04 40 10PM 24 jury has been excused for the weekend. Dr. Bunn is
 04 40 17PM 25 still present. I did want to say a word more about

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04 40 20PM 1 the rule of exclusion, but I want to hear from the
 04 40 21PM 2 attorneys about scheduling.
 04 40 22PM 3 Mr. Hughes.
 04 40 23PM 4 MR. HUGHES: Your Honor, the doctor is going
 04 40 24PM 5 to move patients but believes she can be here on
 04 40 27PM 6 Tuesday. So we're going to work with her to get
 04 40 28PM 7 her out here for Tuesday. And there is a chance we
 04 40 33PM 8 may have to ask to put another witness on in the
 04 40 35PM 9 morning and then take Dr. Bunn when she arrives
 04 40 38PM 10 here, hopefully Tuesday morning sometime.
 04 40 41PM 11 THE COURT: Thank you.
 04 40 43PM 12 MR. KELLY: We'd like to know the name of that
 04 40 45PM 13 other possible witness, and I'm sure we'll get
 04 40 48PM 14 that.
 04 40 48PM 15 Judge, in regards to scheduling, as I
 04 40 50PM 16 mentioned at the sidebar, we'd ask that we
 04 40 54PM 17 reconvene at 8:15 on Tuesday morning. And the
 04 40 58PM 18 reason is that consistent with the first sidebar
 04 41 03PM 19 this morning regarding issues relating to
 04 41 06PM 20 relevance, prejudice, due process, I have to -- and
 04 41 16PM 21 disclosure, those multiple clips that we've been
 04 41 19PM 22 receiving sporadically, we'd like to have some time
 04 41 23PM 23 out of the presence of the jury to discuss those
 04 41 26PM 24 issues.
 04 41 27PM 25 I know I have -- and I'm sure you're very
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04 41 30PM 1 busy on Monday. But if Monday is better, we'll
 04 41 33PM 2 make ourselves available on that day.
 04 41 38PM 3 Ms. Seifter can give you a better
 04 41 39PM 4 understanding and the state a better understanding
 04 41 41PM 5 as to what we would like to argue. And I believe
 04 41 44PM 6 she's going to place it in the form of a written
 04 41 46PM 7 brief and then ask for the opportunity to discuss
 04 41 48PM 8 some of these issues.
 04 41 51PM 9 THE COURT: Why don't we say 8:15 for now,
 04 41 55PM 10 Mr. Hughes?
 04 41 58PM 11 MR. HUGHES: That's fine, Your Honor.
 04 41 57PM 12 THE COURT: The attorneys and parties will
 04 42 01PM 13 assemble at 8:15 on Tuesday.
 04 42 03PM 14 Dr. Bunn, I just wanted to make sure you
 04 42 05PM 15 didn't have any question about the rule of
 04 42 06PM 16 exclusion of witnesses. The basic rule is that --
 04 42 09PM 17 actually starts out that witnesses can't be in the
 04 42 13PM 18 courtroom when other witnesses are testifying.
 04 42 16PM 19 Once a witness has already testified and been
 04 42 19PM 20 excluded, then the person can come into court.
 04 42 21PM 21 The other part of the rule is this: It's
 04 42 26PM 22 that witnesses don't communicate with other
 04 42 28PM 23 witnesses in any way about the case or their
 04 42 28PM 24 testimony until the case is completely over. There
 04 42 33PM 25 just has to be -- every witness's testimony is
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04 42 38PM 1 independent and they don't know what other
 04 42 38PM 2 witnesses have testified to. That is the basic
 04 42 41PM 3 thought behind the rule of exclusion.
 04 42 43PM 4 So you're directed not to try to contact
 04 42 48PM 5 any other witnesses about your testimony, continue
 04 42 49PM 6 to avoid any media exposure. That's part of this
 04 42 51PM 7 as well.
 04 42 52PM 8 And I've also asked people -- I don't
 04 42 55PM 9 know friends, so I get concerned if you might have
 04 42 58PM 10 a third party who might not be a witness but might
 04 43 02PM 11 be communicating with people who would be. I
 04 43 05PM 12 wouldn't want the substance of your testimony to
 04 43 07PM 13 end up with those people through the various
 04 43 10PM 14 electronic means now of communicating.
 04 43 12PM 15 The whole idea is that your testimony
 04 43 17PM 16 doesn't get conveyed to other witnesses who have
 04 43 18PM 17 not testified.
 04 43 19PM 18 Do you have any questions about that at
 04 43 21PM 19 all?
 04 43 22PM 20 THE WITNESS: No.
 04 43 22PM 21 THE COURT: Thank you. You're excused at this
 04 43 24PM 22 time.
 04 43 24PM 23 If you'd like. Counsel, I don't know
 04 43 26PM 24 that we have anything else to discuss either.
 04 43 30PM 25 MR. HUGHES: No, Your Honor.
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04 43 32PM 1 MR. LI: Actually, Your Honor. The witness
 04 43 38PM 2 doesn't need to be here.
 04 43 40PM 3 THE COURT: That's true. She's excused. And
 04 43 47PM 4 if it concerns anything other than just routine --
 04 43 50PM 5 You are excused, Dr. Bunn.
 04 43 58PM 6 (The witness is excused.)
 04 43 58PM 7 MR. LI: I think just out of fair notice to
 04 44 00PM 8 the Court. We should just put out what the issues
 04 44 03PM 9 are so we can have, basically, simultaneous
 04 44 06PM 10 briefing. I think the issues are fairly
 04 44 09PM 11 straightforward. But I don't think it should be
 04 44 11PM 12 that we file a briefing, then they respond, and
 04 44 13PM 13 three weeks later we have replies and the whole
 04 44 15PM 14 motion is scheduled.
 04 44 18PM 15 Miss Seifter can explain what the various
 04 44 18PM 16 issues are.
 04 44 19PM 17 THE COURT: All right.
 04 44 20PM 18 Go ahead, Ms. Seifter.
 04 44 23PM 19 MS. SEIFTER: Thank you, Your Honor. The
 04 44 26PM 20 initial issue, as I think was discussed at sidebar,
 04 44 28PM 21 does pertain to the audio clips. It's not so much
 04 44 31PM 22 the fashion, although we have concerns about that,
 04 44 34PM 23 about the receiving of Post-it notes with the
 04 44 37PM 24 clips --
 04 44 40PM 25 MS. POLK: I'm sorry. I can't hear.
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04 44 42PM 1 MS. SEIFTER: I'm sorry.

04 44 45PM 2 THE COURT: And, again, we're not going to

04 44 46PM 3 have argument, just a listing of the issues.

04 44 47PM 4 And, Ms. Seifter, the first has to do

04 44 48PM 5 with audio clips and being prepared with them so

04 44 54PM 6 that you know what's coming?

04 44 55PM 7 Okay.

04 44 56PM 8 MS. SEIFTER: And related to that, though,

04 44 58PM 9 Your Honor, I think the reason that we would like a

04 45 02PM 10 hearing to address them all at once is because it's

04 45 04PM 11 very difficult to articulate our objections to the

04 45 07PM 12 audio clips individually. Because our objection,

04 45 12PM 13 essentially, is the enterprise, the whole set of

04 45 14PM 14 these audio clips, the relevance to the charged

04 45 17PM 15 crimes, prejudice associated with them, the

04 45 19PM 16 constitutional concerns that are implicated by a

04 45 22PM 17 trial that appears to be gearing toward very

04 45 26PM 18 belief-oriented sort of accusations, and,

04 45 31PM 19 essentially, the collective effect of introducing

04 45 35PM 20 all of these clips where we're really not clear

04 45 37PM 21 what the relevance is.

04 45 38PM 22 And, again, we have concerns, that are

04 45 40PM 23 not just the Arizona Rules of Evidence but under

04 45 44PM 24 the Constitution, about that.

04 45 46PM 25 And that implicates the sort of second

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04 45 48PM 1 issue, the larger issue, I believe, which is that,

04 45 52PM 2 as Your Honor can tell, I think the parties have

04 45 55PM 3 been struggling with the questions of relevance.

04 45 58PM 4 For us that is because it's very

04 46 00PM 5 difficult for us to understand what the alleged

04 46 04PM 6 criminal conduct is. We've heard various theories,

04 46 08PM 7 most of which are directly in conflict with each

04 46 11PM 8 other.

04 46 12PM 9 And so at any given time I think it's

04 46 15PM 10 difficult for Your Honor to produce consistent

04 46 18PM 11 rulings on relevance and for us to fairly,

04 46 20PM 12 objectively, and effectively to have a fair trial

04 46 23PM 13 when we don't know whether this is a case about --

04 46 27PM 14 THE COURT: Well, the guideline is pretty

04 46 28PM 15 basic. It has to do with the conduct and the state

04 46 33PM 16 of mind of people in the sweat lodge. That's the

04 46 38PM 17 basic guideline. If you stick with that, I think

04 46 39PM 18 that says a lot.

04 46 41PM 19 Getting into speculating about what other

04 46 43PM 20 people were thinking -- I've been sensitive to

04 46 46PM 21 those objections and sustaining them when I hear

04 46 48PM 22 that it drifts off into that.

04 46 52PM 23 Again, no argument today.

04 46 55PM 24 What's the other point?

04 46 58PM 25 MS. SEIFTER: Those are, essentially, the two

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04 46 58PM 1 points.

04 46 59PM 2 THE COURT: Okay.

04 47 00PM 3 Ms. Polk.

04 47 00PM 4 MS. POLK: Your Honor, the state would object

04 47 04PM 5 to the suggestion that we need to simultaneously

04 47 07PM 6 brief an issue which, quite frankly, is not clear

04 47 11PM 7 to me what that issue is.

04 47 13PM 8 THE COURT: Well, I understand the issue. It

04 47 15PM 9 is one of relevance and this unusual area and the

04 47 19PM 10 type of evidence that's being brought in. I don't

04 47 23PM 11 know what Ms. Seifter means in terms of the clips

04 47 26PM 12 because I haven't seen them. There was one clip

04 47 29PM 13 that came in with the limiting instruction. And it

04 47 31PM 14 was pretty precise what the reason that was

04 47 33PM 15 admitted for. It was not offered for the truth.

04 47 36PM 16 The other clips, the long excerpt which

04 47 41PM 17 was the preparation for the sweat lodge -- that was

04 47 45PM 18 a statement by Mr. Ray. And so I don't know what

04 47 48PM 19 the other clips are and what types of issues they

04 47 51PM 20 may raise.

04 47 52PM 21 I'm sorry to interrupt you, Ms. Polk.

04 47 56PM 22 MS. POLK: Your Honor, I would just suggest

04 47 57PM 23 that if the defense has an issue, that they file a

04 47 59PM 24 brief. She talked about constitutional

04 48 02PM 25 implications and some other issues. I would

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04 48 04PM 1 request that if they want the Court to have a

04 48 07PM 2 hearing on it, they file a motion and we can

04 48 09PM 3 appropriately respond.

04 48 10PM 4 The suggestion that I just file something

04 48 12PM 5 and I'm not even sure what it is I'm responding to

04 48 15PM 6 is difficult. All the audios that the state has

04 48 21PM 7 played, all the clips, we have provided to the

04 48 23PM 8 defense. We have laid an appropriate foundation

04 48 25PM 9 through witnesses to establish their relevance, and

04 48 28PM 10 then we have played them.

04 48 30PM 11 It's not clear to me what these issues

04 48 32PM 12 are that the defense is concerned about. And I

04 48 34PM 13 would just request if there are issues they're

04 48 36PM 14 concerned about that they want briefing on, that

04 48 38PM 15 they file a motion, and the state will respond

04 48 39PM 16 appropriately.

04 48 42PM 17 THE COURT: Ms. Seifter?

04 48 44PM 18 MS. SEIFTER: Your Honor, our position is that

04 48 45PM 19 the state needs to proffer the relevance of each of

04 48 47PM 20 these clips. We have 130-some. We can file a

04 48 51PM 21 brief and will. But the idea that we need to

04 48 54PM 22 somehow think, figure out, what the relevance is

04 48 57PM 23 and then have the state respond, that does -- to us

04 48 59PM 24 that doesn't quite make sense.

04 49 03PM 25 THE COURT: And there is that problem of

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04 49 08PM 1 volume, Ms. Polk. The defense just cannot sort
04 49 08PM 2 through 130 clips or something. There has to be
04 49 13PM 3 some kind of narrowing, I would think.

04 49 13PM 4 I understand that there have been
04 49 13PM 5 instances now in the trial where a party feels
04 49 21PM 6 something has come up and now you have to sort
04 49 24PM 7 through all of these items.

04 49 27PM 8 Ms. Polk.

04 49 27PM 9 MS. POLK: And, Your Honor, there has been a
04 49 28PM 10 significant narrowing of the clips. The entire
04 49 34PM 11 briefing that we heard yesterday, from Thursday
04 49 37PM 12 before the participants went into the sweat lodge,
04 49 40PM 13 had been broken up into a lot of clips. We played
04 49 44PM 14 that as one audio. And so it's no longer a large
04 49 47PM 15 number of clips. It's a very small number of
04 49 49PM 16 clips.

04 49 50PM 17 We provided the defense with a master
04 49 52PM 18 with all of the clips that we had made but have
04 49 55PM 19 since then condensed what we intend to play. And
04 49 59PM 20 we have been letting them know in a timely fashion
04 50 02PM 21 what specific clips we intend to play.

04 50 04PM 22 And, again, the relevance is established
04 50 06PM 23 through witnesses with the rules of evidence
04 50 08PM 24 applying.

04 50 10PM 25 THE COURT: Well, we're going to get together
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04 50 12PM 1 at 8:15. And I'm going to read whatever is
04 50 14PM 2 provided to me and deal with what I can at that
04 50 18PM 3 point.

04 50 19PM 4 Thank you. We're in recess.
5 (The proceedings concluded.)

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1 STATE OF ARIZONA)
2) ss. REPORTER'S CERTIFICATE
3 COUNTY OF YAVAPAI)
4

5 I, Mina G. Hunt, do hereby certify that I
6 am a Certified Reporter within the State of Arizona
7 and Certified Shorthand Reporter in California

8 I further certify that these proceedings
9 were taken in shorthand by me at the time and place
10 herein set forth, and were thereafter reduced to
11 typewritten form, and that the foregoing
12 constitutes a true and correct transcript

13 I further certify that I am not related
14 to, employed by, nor of counsel for any of the
15 parties or attorneys herein, nor otherwise
16 interested in the result of the within action.

17 In witness whereof, I have affixed my
18 signature this 9th day of January, 2012
19
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24
25

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CA CSR No 8335

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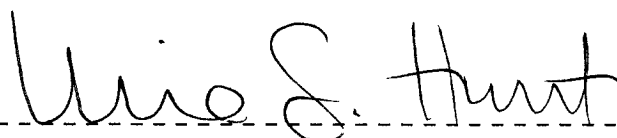
1 STATE OF ARIZONA)
2) ss: REPORTER'S CERTIFICATE
3 COUNTY OF YAVAPAI)
4

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18 signature this 9th day of January, 2012.
19
20
21

22
23 
24 -----
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CA CSR No. 8335